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Missouri--Constitutional convention, 1943-1944

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FILE NO. 1

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE XIII

Reported from the Committee on Military Affairs.—No. 18, January 5, 1944, with recommendation that the Committee Substitute for Proposals No. 60 and 68 be adopted.

Taken up February 29, 1944. Report adopted, as amended, by the Minority Report.

Referred to the Committee on Phraseology, Arrangement and Engrossment February 29, 1944.

Reported from the Committee on Phraseology, Arrangement and Engrossment March 9, 1944.

Read 2nd time May 11, 1944. Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 1 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 11, 1944.

Engrossed File No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment May 17, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE —

MILITARY AFFAIRS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 1, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on May 11, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman.

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FILE NO. 2

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE VIII.

Reported from the Committee on Suffrage and Elections.—No. 7, January 6, 1944, with recommendation that the Committee Substitute for Proposals Nos. 14, 33, 36, 43, 50, 111, 114, 120, 142, 160, 229, 245, 282, and 339, be adopted. Proposals Nos. 63, 258, 304, 362 and Petition No. 4 be rejected.

R. E. L. MARRS, Secretary.

Report of the Committee on Suffrage and Elections, No. 7.

Committee Substitute for Proposals Nos. 14, 33, 36, 43, 50, 111, 114, 120, 142, 160, 229, 245, 282, and 339.

Mr. President:

Your Committee on Suffrage and Elections, No. 7, to which was referred Proposals Nos. 14, 33, 36, 43, 50, 111, 114, 120, 142, 160, 229, 245, 282, and 339, begs leave to report that it has carefully considered the same, and as a substitute for and in lieu of all said Proposals and in lieu of Article VIII of the present Constitution, recommends its Committee Substitute as follows:

ARTICLE VIII

SUFFRAGE AND ELECTIONS

Section 1. *General elections, when held.*—The general
2 election shall be held biennially on the Tuesday next follow-
3 ing the first Monday in November of each even years; but

4 the General Assembly may, by law, fix a different day—
5 two-thirds of all members of each house consenting thereto.

(No change)

Section 2. *Electors, qualifications of.*—All citizens of
2 the United States, including occupants of soldiers' and sail-
3 ors' homes, over the age of twenty-one years who have
4 resided in this state one year, and in the county, city or
5 town sixty days immediately preceding the election at
6 which they offer to vote, and no other person, shall be
7 entitled to vote at all elections by the people; provided, no
8 idiot, no insane person and no person while kept in any poor
9 house at public expense or while confined in any public
10 prison shall be entitled to vote, and persons convicted of
11 felony, or crime connected with the exercise of the right of
12 suffrage may be excluded by law from the right of voting.
13 Provided that the General Assembly, by a two-thirds vote
14 may lower the voting age to not less than eighteen years.

No change except the addition of the last sentence: "Provided that the General Assembly, by a two-thirds vote may lower the voting age to not less than eighteen years."

Proposal No. 33

Section 3. *Elections, how conducted and contested.*—
2 All elections by the people shall be by ballot or by such
3 other method as may be prescribed by law. Every ballot
4 voted shall be numbered in the order received and its
5 number recorded by the election officers on the list of voters
6 opposite the name of the voter who presents it. All election
7 officers shall be sworn or affirmed not to disclose how any
8 voter shall have voted: Provided, that in cases of contested
9 elections, grand jury investigations and in the trial of all
10 civil or criminal cases in which the violation of any law re-
11 lating to elections, including nominating elections, is under

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investigation or at issue, such officers may be required to testify and the ballots cast may be opened, examined, counted, compared with the list of voters and received as evidence.

Added: "or by such other method as may be prescribed by law."

Proposal No. 229
Proposal No. 114

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Section 4. *Voters free from arrest, when.*—Voters shall in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

(No change)

Section 5. *Registration in certain cities and counties.*—The General Assembly shall provide by law for the registration of voters in counties having a population of more than one hundred thousand, and in cities having a population of more than ten thousand. The General Assembly may provide by law for registration for all other voters.

The following has been deleted from the original section: "but not otherwise. The first General Assembly held after the adoption of this Constitution shall pass laws necessary to enforce this provision, and for such purpose may classify such counties and cities according to population, but such laws shall be uniform as to each class."

The following has been added: "The General Assembly may provide by law for registration for all other voters."

Proposal No. 160
Proposal No. 14
Proposal No. 43

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Section 6. *Elections viva voce, when.*—

It is recommended that Section 6, reading as follows, be deleted: "All elections by persons in a representative capacity shall be *viva voce.*"

Section 7. *Residence as voter not gained or lost, when.*—
2 For the purpose of voting, no person shall be deemed to
3 have gained a residence by reason of his presence, or lost
4 it by reason of his absence, while employed in the service
5 either civil or military, of this state, or of the United States;
6 nor while engaged in the navigation of the waters of the
7 State, or of the United States, or of the high seas, nor
8 while a student of any institution of learning, nor while
9 kept in a poor house or other asylum at public expense, nor
10 while confined in public prison.

(No change)

Section 8. *Contested elections, trial of, etc.*—Contested
2 elections for Governor, Lieutenant-Governor and other
3 executive State officers shall be had before the Supreme
4 Court of Missouri in such manner as may be provided by
5 law; the Supreme Court may appoint a commission or com-
6 missioners to hear the testimony incident to such contest.
7 The trial and determination of contested elections of all
8 other public officers, whether State, Judicial, Municipal,
9 School or Local, shall be by courts of law; or by one or more
10 of the judges thereof. The General Assembly shall, by
11 general law, designate the court or judge by whom the
12 several classes of election contests shall be tried and regulate
13 the manner of trial and all matters incident thereto; but no
14 such law assigning jurisdiction or regulating its exercise
15 shall apply to any contest arising out of any election held
16 before such law shall take effect.

The above section is a complete revision of the present Section 8.

We recommend the deletion of Section 25, Article V of the present Constitution if this section is adopted.

Substitute Proposal No. 111
Proposal No. 50

Section 9. *Absentee voters.*—The General Assembly may by general law make provision enabling absent qualified electors of this state to vote at all elections by the people whether such absent voters be within or without the state.

The above section is submitted in lieu of Section 9 of the present Constitution, which we recommend be deleted therefrom. This section in its present form was recommended by the Committee on Suffrage and Elections for the 1922-23 Convention.

Proposal No. 36

Section 10. *Aliens not to hold office, residence required.*—No person shall be elected or appointed to any office in this state or any political subdivision thereof, civil or military, who is not a citizen of the United States and who shall not have resided in this state one year next preceding his election or appointment; provided, however, that this restriction shall not apply in cases of appointment to administrative positions wherein technical or specialized skill or knowledge is required.

The following has been added to the present section: "provided, however, that this restriction shall not apply in cases of appointment to administrative positions wherein technical or specialized skill or knowledge is required."

Proposal No. 245
Proposal No. 282
Proposal No. 339

Section 11. *No disqualification on account of sex.*—No
2 person shall be disqualified from holding office in this state
3 on account of sex.

We have omitted the following from Section 11 for the reason it was no longer deemed necessary: "and those provisions in the Constitution of Missouri requiring that persons, to be eligible for certain offices, must have been qualified voters for a certain number of years, shall not apply to women who have the necessary qualifications of citizenship until after the nineteenth amendment to the Constitution of the United States shall have been in effect an equivalent number of years."

Proposal No. 120

Your Committee recommends that Proposal 63 do not pass.

Your Committee recommends that Proposal 362 do not pass.

Your Committee recommends that Proposal 258 do not pass.

Your Committee recommends that Proposal 304 do not pass and suggests that this Proposal constitutes legislative matter.

Your Committee recommends that Petition No. 4 do not pass.

Respectfully submitted,

WILLIAM CLARK
CHARLES M. SEYB
ALBERT KREAMALMYER
L. C. DEASON
C. W. BURKHEAD
R. F. WOOD
*CLYDE C. COPE
VANCE JULIAN
R. T. WOOD
E. McDONALD STEVENS
Chairman

*With reservations as to Section 2 and Proposal No. 258.

STATEMENT

The first ten sections of the present Constitution of Missouri, relating to Suffrage and Elections, were all submitted by the last convention and adopted February 26, 1924. Section 11, removing the disqualifications of women from holding office was adopted August 2, 1921. The Committee on Suffrage and Elections in the last convention, made no mention of this section in its report, and did not consider it a part of Article VIII. It probably would have been better placed in compiling the Statutes by printing it in the Bill of Rights.

SECTION ONE, fixing the date of the general election in each even year, in substance, became a part of the Constitution in 1875. No proposals have been submitted suggesting any change. Your Committee has no amendment to offer and recommends its re-adoption.

SECTION TWO, excluding the last line, is an exact copy of the present section. This section, as adopted in 1922-23, is a composite of three sections of the 1875 Constitution (Secs. 2-8-10). The chief purpose of the 1922-23 revision, was to enfranchise women, and disenfranchise aliens, and to grant power to the General Assembly to deny, by law, the right of suffrage to persons convicted of felony or other crime connected with the right of suffrage. This part of the section has been construed by our Supreme Court in a very recent case.

The language of the Constitution is broad enough to cover conviction under Federal Criminal Statutes.

The only change in the Section is to permit the General Assembly by a two-thirds vote, to reduce the voting age to as low as 18 years. Proposal No. 33 by Delegate R. F. Wood of Johnson, would lower this age in the Constitution. Your Committee thought it would be unwise to so do. Sound, logical arguments can be made on both sides of this controversial question. Public sentiment has greatly increased in favor of giving the

vote to 18-year-olds. According to a recent Gallup Poll, 52% of the public now favor reducing the age, as compared with 17% four years ago. Only one State (Georgia) has reduced the age to 18 years, and this recently. Many Legislatures of the various states have recently had proposals submitted, to reduce the age to 18 years. A majority of your Committee is of the belief that it will be difficult to obtain a two-thirds vote of the General Assembly, unless there is great public demand for reducing the age, and that if they do reduce the age and it is found, after trial, that the extension of suffrage has been unwise, then it can remedy the matter without further Constitutional Amendment.

SECTION THREE (relating to voting by ballot) has been changed by adding in the first line the following, "or by such other method as may be prescribed by law". Two proposals (114-229) both provide for a Constitutional Amendment to permit the use of voting machines. Your Committee is of the opinion that the clause inserted is broad enough to give the Legislature power to permit voting machines or any other method that science might devise that would insure honesty of elections and secrecy of the ballot. There appeared no definite sentiment to discard the present method of voting by ballot, but only the future can determine what may be most effective and efficient.

SECTION FOUR (relating to freedom from arrest). Your Committee recommends no change in this section. It first appeared in the Constitution of 1875 and has been re-adopted by the people in 1924. In the last convention, it was suggested that it might be extended to primary elections. However, no proposal was offered to this Convention suggesting this action.

The word, "elections" has been construed not to mean primary elections. (State ex rel. vs. Hartmann, 231 S. W. 982; State ex rel. vs. Taylor, 220 Mo. 618).

Your Committee has no recommendation as to this possible amendment. The substance of this section might well be in-

corporated in Section 9, Article II, of the Bill of Rights, which provides, "That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage".

SECTION FIVE (relating to registration) of the present Constitution prohibits the registration of voters in all counties under 100,000 and in cities under 10,000. Your Committee has recommended the elision of the words, "but not otherwise", and in lieu thereof, inserting, "The General Assembly may provide by law for registration of all other voters". The sentiment of the smaller counties and municipalities does not indicate a desire or need for universal registration. Where registration is conducted through permanent boards, such as exist in St. Louis, St. Louis County and Kansas City, there is a minimum of fraud in the elections but it is questionable whether registration in smaller communities tends to improve their elections. Your Committee feels that the Constitution should be elastic enough to permit the General Assembly to provide for registration wherever indicated.

SECTION SIX (relating to voting viva voce) is recommended deleted. Before making this recommendation, your Committee examined into the origin of this amendment. In the Convention of 1875 a proposed amendment was offered in the Committee of the Whole, to vote "viva voce" instead of by ballot in all elections. This was not adopted but in the Constitution adopted is found the present section. Judge Laurence M. Hyde of the Supreme Court was asked for an opinion on the matter and graciously appeared before the Committee. It was Judge Hyde's opinion that because of the election of United States Senators by the General Assembly in 1875 the Convention wanted to be assured that in voting thereon, the members would have to publicly state their choice, and that the section would not only apply to the officers of the General Assembly and the Constitutional Convention. He gave it as his opinion, that the

section was unimportant and could be omitted. Judge Frank Atwood, the Chairman of the Committee on Suffrage and Elections of 1922-23 Convention, stated of record, that he did not know why it was inserted in the 1875 Constitution, but he was afraid to leave it out. In the Nebraska case of Day vs. Walker, 247 N. W. 350; 124 Neb. 500, the Court says that the word, "ballot", is used as a symbol of secrecy, while "viva voce" is used as a symbol of publicity. They have a similar provision in their Constitution and there stated that where members of the General Assembly voted by pushing a button that registered their vote electrically on a board, that such method was publicly voting and satisfied the requirement of the provision. In the New York case, In re Brearton, 89 N. Y. S. 893, in construing the term, "viva voce", when applied to elections, stated the words, "viva voce", are used in opposition or contradistinction to the ballot, and simply mean that the voter shall declare himself by voice, instead of by ballot.

SECTION SEVEN (relating to residence) is recommended adopted without change. It has been in our Constitution since 1875 in its present form. The Committee of the 1922-23 Convention recommended its elimination on the ground that it had served no useful purpose except to render the matter of residence of the elector uncertain, so that what should be a simple question of fact, has, under our present court decisions, become a complicated and unsettled question of law. The section was offered as an amendment, and adopted.

SECTION EIGHT (relating to election contests) is materially changed. Section 25, Article V of the present Constitution, places contests of the elections of Governor and Lieutenant-Governor in the hands of the General Assembly and all other contests in the hands of the Court. Your Committee feels that all trials should be conducted by judicial bodies and feels that the Supreme Court is the proper forum for contests for Governor and Lieutenant-Governor. We have also inserted the word,

"school", in that section, so that the General Assembly shall be empowered to provide for contests of election for school directors. No law now exists for such contests.

SECTION NINE (relating to absentee voters), is a complete re-writing of the present section. Under the 1875 Constitution, no member of the armed forces could vote. In 1920, the Constitution was amended requiring the General Assembly to make provision enabling electors absent from the state on account of military service, to vote. The Convention of 1922-23 amended this section by extending the right to vote to electors absent from their counties, but within the state. There is no provision in the Constitution enabling qualified electors outside of this state (except military electors) to vote. By the proposed amendment, the discretionary right is given the General Assembly to make provision for all absent qualified electors to vote whether with or without the state.

SECTION TEN (relating to holding office), is the same as the present section, with the addition, "provided, however, that this restriction shall not apply in cases of appointment to administrative positions wherein technical or specialized skill or knowledge is required". Kansas City and St. Louis are especially interested in this provision, and it is anticipated that other cities and counties that may have home rule, will be compelled to go outside of the state to acquire the services of some specialist. The constitutional provision has been violated because of the exigencies of the case and unless this amendment is adopted, units of government may be denied the services of specialists that are unobtainable under the provisions of the present section.

SECTION ELEVEN (relating to woman suffrage), can be materially shortened by the deletion of all but the first section which removed the disqualification of women from holding office. All of the matter omitted is no longer necessary and if the word, "male", is changed to "citizen", wherever it appears in the

Constitution, and the Constitution submitted as a whole, then this entire section could be eliminated.

Proposal No. 63 is returned by the Committee with the recommendation that it do not pass, because it would eliminate special elections. Your committee feels that while the author of this proposal, Delegate Garten, presented a very forceful and logical argument in its favor, its adoption would seriously affect the efficient operation of many governmental units and for that reason should be rejected.

E. McDONALD STEVENS
Chairman

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FILE NO. 2

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE VIII

Reported from the Committee on Suffrage and Elections.—No. 7, January 6, 1944, with recommendation that the Committee Substitute for Proposals Nos. 14, 33, 36, 43, 50, 111, 114, 120, 142, 160, 229, 245, 282 and 339, be adopted. Proposals Nos. 63, 258, 304, 362 and Petition No. 4 be rejected.

Taken up May 10, 1944. Report adopted, as amended, including deletion of Sec. 6 of Art. VIII of the Constitution.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 10, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment May 25, 1944.

Read 2nd time June 8, 1944. Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 2 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment June 8, 1944.

Engrossed File No. 2 reported from the Committee on Phraseology, Arrangement and Engrossment June 14, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE VIII

SUFFRAGE AND ELECTIONS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 2, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on June 8, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 2

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE VIII

SUFFRAGE AND ELECTIONS

Present Constitution	Engrossed File	Origin
ARTICLE VIII SUFFRAGE AND ELECTIONS	ARTICLE VIII SUFFRAGE AND ELECTIONS	
Section 1. The general election shall be held biennially on the Tuesday next following the first Monday in November of each even year; but the General Assembly may, by law, fix a different day—two-thirds of all members of each house consenting thereto.	Section 1. The general election shall be held on the Tuesday next following the first Monday in November of each even year, unless a different day is fixed BY LAW, two-thirds of all members of each house ASSENTING.	Section 1.
Section 2. All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of twenty-one years who have resided in this state one year, and in the county, city or town sixty days immediately preceding the election at which they offer to vote, and no other person, shall be entitled to vote at all elections by	Section 2. All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of twenty-one who have resided in this state one year, and in the county, city or town sixty days NEXT preceding the election at which they offer to vote, and no other person, shall be entitled to vote at all elections by the	Section 2.

the people: *Provided*, no idiot, no insane person and no person while kept in any poor-house at public expense or while confined in any public prison shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from the right of voting

people; provided, no idiot, no insane person and no person while kept in any poor house at public expense or while confined in any public prison shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting.

Section 3. All elections by the people shall be by ballot. Every ballot voted shall be numbered in the order received and its number recorded by the election officers on the list of voters opposite the name of the voter who presents it. All election officers shall be sworn or affirmed not to disclose how any voter shall have voted: *Provided*, that in cases of contested elections, grand jury investigations and in the trial of all civil or criminal cases in which the violation of any law relating to elections, including nominating elections, is under investigation or at issue, such officers may be required to testify and the ballots cast may be opened, examined, counted, compared with the list of voters and received as evidence.

Section 3. All elections by the people shall be by ballot OR BY ANY MECHANICAL METHOD PRESCRIBED BY LAW. Every ballot voted shall be numbered in the order received and its number recorded by the election officers on the list of voters opposite the name of the voter. All election officers shall be sworn or affirmed not to disclose how any voter voted: Provided, that in cases of contested elections, grand jury investigations and in the trial of all civil or criminal cases in which the violation of any law relating to elections, including nominating elections, is under investigation or at issue, such officers may be required to testify and the ballots cast may be opened, examined, counted, compared with the list of voters and received as evidence.

Section 3.

Section 4. Voters shall in all cases except treason, felony, or breach of

Section 4. Voters shall be privileged from arrest while going to, attending and

Section 4.

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the peace be privileged from arrest during their attendance at elections, and in going to and returning therefrom.	returning from elections, except in cases of treason, felony or breach of the peace.	
Section 5. The General Assembly shall provide by law for the registration of voters in counties having a population of more than one hundred thousand and in cities having a population of more than ten thousand, but not otherwise. The first General Assembly held after the adoption of this Constitution shall pass laws necessary to enforce this provision, and for such purpose may classify such counties and cities according to population, but such laws shall be uniform as to each class.	Section 5. REGISTRATION OF VOTERS MAY BE PROVIDED FOR BY LAW.	New.
Section 6. All elections, by persons in a representative capacity, shall be *viva voce.*		Stricken by adoption of recommendation of Committee No. 7 on Suffrage and Elections, Journal of March 23, 1944, page 8.
Section 7. For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service either civil, or military, of this state, or of the United States; nor while engaged in the navigation of the waters of the State, or of the United States, or of the high seas, nor while a student of any institution of learning, nor while kept in a	Section 6. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while engaged in the civil or military service of this state or of the United States, or in the navigation of the high seas or the waters of the state or of the United States, or while a student of any institution of learning, or kept in a poor house or	Section 7.

poor-house or other asylum at public expense, nor while confined in public prison.	other asylum at public expense, or confined in public prison.	
Section 8. The trial and determination of contested elections of all public officers, whether state, judicial, municipal or local, except Governor and Lieutenant-Governor, shall be by the courts of law, or by one or more of the judges thereof. The general assembly shall, by general law, designate the court or judge by whom the several classes of election contests shall be tried and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction or regulating its exercise shall apply to any contest arising out of any election held before said law shall take effect.	Section 7. CONTESTED ELECTIONS FOR GOVERNOR, LIEUTENANT-GOVERNOR AND OTHER EXECUTIVE STATE OFFICERS SHALL BE HAD BEFORE THE SUPREME COURT IN THE MANNER PROVIDED BY LAW, AND THE COURT MAY APPOINT ONE OR MORE COMMISSIONERS TO HEAR THE TESTIMONY. The trial and determination of contested elections of all other public officers in the state, shall be by courts of law, or by one or more of the judges thereof. The general assembly shall designate by general law the court or judge by whom the several classes of election contests shall be tried and regulate the manner of trial and all matters incident thereto; but no law assigning jurisdiction or regulating its exercise shall apply to the contest of any election held before the law takes effect.	First sentence new. Rest of section from section 8.
Section 9. Qualified electors absent from the state on military or naval service shall, and qualified electors absent from their counties but within	Section 8. Qualified electors of the state who are absent, WHETHER WITHIN OR WITHOUT THE STATE, may be enabled by general law to vote at all elections by the people.	Section 9.

the state may, be enabled by law to vote at general or special elections.		
Section 10. No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state one year next preceding his election or appointment.	Section 9. No person shall be elected or appointed to any civil or military office in this state, who is not a citizen of the United States and who shall not have resided in this state one year next preceding his election or appointment, EXCEPT IN CASES OF APPOINTMENT TO ADMINISTRATIVE POSITIONS REQUIRING TECHNICAL OR SPECIALIZED SKILL OR KNOWLEDGE.	Last clause new. Rest of section from section 10.
Section 11. No person shall be disqualified from holding office in this state on account of sex, and those provisions in the Constitution of Missouri requiring that persons, to be eligible for certain offices, must have been qualified voters for a certain number of years, shall not apply to women who have the necessary qualifications of citizenship until after the nineteenth amendment to the Constitution of the United States shall have been in effect an equivalent number of years.	Section 10. No person shall be disqualified from holding office in this state BECAUSE of sex.	First clause of section 11.

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FILE NO. 3

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE VII.

Reported from the Committee on Impeachments and Removals from Office.—No. 6 January 6, 1944, with recommendation that Proposal No. 155 be adopted; Proposals Nos. 154 and 323 be rejected.

R. E. L. MARRS, Secretary.

COMMITTEE REPORT NO. 6

Report of the Committee on Impeachments and Removals From Office, No. 6.

Mr. President:

Your Committee on Impeachments and Removals From Office, No. 6, to which was referred Proposals Nos. 154, 155 and 323, respectfully report that we have diligently considered each Proposal and all other matters and communications referred to us.

At a regular Committee meeting on Wednesday, Jan. 5, 1944 the following members of the Committee were present to wit:

James E. Sater
Joe J. Manlove
Elroy C. Kehr
Mrs. Amanda D. Hargis
William Clark
Fred W. Naeter
Richard J. FitzGibbon

Your Committee by unanimous vote rejected Proposals 154 and 323, and return them herewith with the recommendation that they be rejected by the Convention.

Your Committee approved by unanimous vote Proposal 155, and bases its report herein on the approval thereof together with the recommendation that this report be approved, and that Proposal 155 become incorporated in the Constitution of Missouri in lieu of Article VII, of the Constitution, and which Proposal 155, is as follows:

Section 1. The Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and the members of the State Board of Education, Judges of the Supreme Court, the Courts of Appeals and the Circuit Courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, wilful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.

Section 2. The House of Representatives shall have sole power of impeachment. All impeachments shall be tried before the Supreme Court of the State except when a member of such is on trial, and in such case such member of the Court shall be tried by a special Commission of six eminent jurists to be elected by the Senate. The Supreme Court or the special Commission as herein provided for, shall be on oath to impartially try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the body trying such articles of impeachment. The Supreme Court may appoint a Commissioner or Commissioners to hear the testimony incident to such impeachment, and the legislature shall provide for paying the expenses of such trials as herein contemplated.

Section 3. Judgment of impeachment shall not extend beyond removal from office, but this shall not prevent pun-

3 ishment of any such officer on charges growing out of the
4 same matter by the Courts of the State.

Section 4. All elective officers, not liable to impeach-
2 ment, shall be subject to removal from office in such manner
3 and for such causes as may be provided by law.

In making this recommendation your Committee had in mind a less expensive and complicated procedure than that provided by Article VII, and that the Courts of this State are the best qualified and proper jurisdictions to determine the rights of an individual and of the people.

Your Chairman expresses to each member of this Committee his sincere thanks for the efforts in this behalf and for the very pleasant associations in Committee work.

JAMES E. SATER,
Chairman.

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FILE NO. 3

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE VII.

Reported from the Committee on Impeachments and Removals from Office.—No. 6, January 6, 1944, with recommendation that the Proposal No. 155 be adopted; Proposals Nos. 154 and 323 be rejected.

Taken up March 7, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment March 7, 1944.

Reported from the Committee on Phraseology, Arrangement and Engrossment March 16, 1944.

R. E. L. MARRS, Secretary.

REPORT OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 3, reports that it has examined the report of Committee No. 6 on Impeachments and Removals from Office and all amendments thereto, adopted by the Convention on March 7, 1944, and it herewith reports said file to the Convention, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully

ALROY S. PHILLIPS
Chairman.

FILE NO. 3.
IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI
REPORT OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE ——

IMPEACHMENTS

As Adopted by the Convention.

Section 1. All elective officials of the State, Judges of the Supreme Court, THE Courts of Appeals and THE Circuit Courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, wilful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.

Section 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried before the Supreme Court OF

As Suggested by the Committee.

Section 1. All elective officials of the state, judges of the supreme court, courts of appeals and circuit courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, wilful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.

(Changes: No capitalization of "state", "judges", "supreme court", "courts of appeals" and "circuit courts", and omission of words printed in bold face type in section as adopted by the Convention.)

Section 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried before the supreme court except

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THE STATE except when the Governor OF THE STATE or a member of the Supreme Court is on trial, and in such case the Governor OF THE STATE or A member of the Supreme Court shall be tried by a special Commission of seven eminent jurists to be elected by the Senate.

The Supreme Court or THE special Commission AS HEREIN PROVIDED FOR, shall take AND SUBSCRIBE an oath to impartially try the person impeached, and no person shall be convicted without the concurrence of five-sevenths of the BODY TRYING SUCH ARTICLES OF IMPEACHMENT. The Supreme Court may appoint a commissioner or commissioners to hear the testimony INCIDENT TO SUCH IMPEACHMENT, except when the Governor OF THE STATE or a member of the Supreme Court is on trial.

when the governor or a member of the supreme court is on trial, and in such case the governor or member of the supreme court shall be tried by a special commission of seven eminent jurists to be elected by the senate.

The supreme court or special commission shall take an oath to try impartially the person impeached, and no person shall be convicted without the concurrence of five-sevenths of the court or special commission. The supreme court may appoint a commissioner or commissioners to hear the testimony except when the governor or a member of the supreme court is on trial.

(Changes: No capitalization except at beginning of sentences. Omission of words printed in bold faced type. Correction of split infinitive in "to impartially try", substitution of "court or special commission" for "body trying such articles of impeachment".)

Note: Amendment No. 5 not included in either text because duplicated in Amendment No. 8).

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Section 3 Judgment of impeachment shall not extend beyond removal from office, but THIS shall not prevent punishment of ANY such officer on charges growing out of the same matter by the courts OF THE STATE.

Section 4. All officers, not subject to impeachment, shall except as in this Constitution PROVIDED, be subject to removal from office in SUCH manner and for SUCH causes AS MAY BE provided by law.

Section 3. Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.

(Changes: Omission of words printed in bold faced type. Transposition of "by the courts."

Section 4. All officers not subject to impeachment shall, except as provided in this Constitution, be subject to removal from office in the manner and for the causes provided by law.

(Changes: Change of punctuation in first two lines. Shifting of "provided" to first part of clause. Change of "such" to "the". Omission of "as may be".)

ALROY S. PHILLIPS
JAMES E. SATER
FRANK B. WILLIAMS
HOWARD C. POTTER
MEREDITH GARTEN
THOS. C. HENNINGS, SR.
RICHARD S. RIGHTER

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FILE NO. 3

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE VII.

Reported from the Committee on Impeachments and Removals from Office.—No. 6, January 6, 1944, with recommendation that Proposal No. 155 be adopted; Proposals Nos. 154 and 323 be rejected.

Taken up March 7, 1944. Report adopted as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment March 7, 1944.

Reported from the Committee on Phraseology, Arrangement and Engrossment March 16, 1944.

Amended Report No. 1 Reported from the Committee on Phraseology, Arrangement and Engrossment April 14, 1944.

R. E. L. MARRS, Secretary.

AMENDED REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 3, reports that it has re-examined the report of Committee No. 6 on Impeachments and Removals from Office and all amendments thereto, adopted by the Convention on March 7, 1944, and it herewith submits its amended report on said file to the Convention, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully

ALROY S. PHILLIPS
Chairman.

FILE NO. 3.

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI
AMENDED REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE VII

IMPEACHMENTS

As Adopted by the Convention.

Section 1. All elective executive officials of the State, Judges of the Supreme Court, THE Courts of Appeals and THE Circuit Courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, wilful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.

Section 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried before the Supreme Court OF

As Suggested by the Committee.

Section 1. All elective executive officials of the state, and judges of the supreme court, courts of appeals and circuit courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, wilful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.

(Changes: No capitalization of "state", "judges", "supreme court", "courts of appeals" and "circuit courts", and omission of words printed in bold face type in section as adopted by the Convention.)

Section 2. The house of representatives shall have the sole power of impeachment. All impeachments shall be tried before the supreme court, except

THE STATE except WHEN THE GOVERNOR OF THE STATE OR A MEMBER OF THE SUPREME COURT IS ON TRIAL, AND IN SUCH CASE the Governor OF THE STATE or A member of the Supreme Court shall be tried by a special Commission of seven eminent jurists to be elected by the Senate. The Supreme Court or THE special Commission AS HEREIN PROVIDED FOR, shall take AND SUBSCRIBE an oath to impartially try the person impeached, and no person shall be convicted without the concurrence of five-sevenths of the BODY TRYING SUCH ARTICLES OF IMPEACHMENT.

that the governor or a member of the supreme court shall be tried by a special commission of seven eminent jurists to be elected by the senate. The supreme court or special commission shall take an oath to try impartially the person impeached, and no person shall be convicted without the concurrence of five-sevenths of the court or special commission.

(Changes: No capitalization except at beginning of sentences.

Omission of words printed in bold face type. Correction of split infinitive in "to impartially try", substitution of "court or special commission" for "body trying such articles of impeachment".)

Section 3. Judgment of impeachment shall not extend beyond removal from office, but THIS shall not prevent punishment of ANY such officer on charges growing out of the same matter by the courts OF THE STATE.

Section 3. Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.

(Changes: Omission of words printed in bold face type. Transposition of "by the courts.")

Section 4. All officers, not subject to impeachment, shall except as IN THIS CONSTITUTION

Section 4. Except as provided in this Constitution, all officers not subject to impeachment shall be

provided, be subject to removal from office in SUCH manner and for SUCH causes AS MAY BE provided by law.

subject to removal from office in the manner and for the causes provided by law.

(Changes: Omission of bold faced words. Shifting of "provided" to first part of clause. Change of "such" to "the".)

ALROY S. PHILLIPS
HOWARD C. POTTER
THOS. C. HENNINGS, SR.
ALLEN McREYNOLDS
RICHARD S. RIGHTER

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ENGROSSED

FILE NO. 3

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE VII

Reported from the Committee on Impeachments and Removals from Office.—No. 6, January 6, 1944, with recommendation that Proposal No. 155 be adopted; Proposals Nos. 154 and 323 be rejected.

Taken up March 7, 1944. Report adopted as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment March 7, 1944.

Reported from the Committee on Phraseology, Arrangement and Engrossment March 16, 1944.

Amended Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment April 14, 1944.

Read 2nd time May 11, 1944. Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 3 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 11, 1944.

Engrossed File No. 3 reported from the Committee on Phraseology, Arrangement and Engrossment May 17, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE VII

IMPEACHMENTS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 3, respectfully reports that it has examined its amended report and all amendments thereto as adopted and ordered engrossed by the Convention on May 11, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 3

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE VII

IMPEACHMENTS

Present Constitution	Engrossed File	Origin
ARTICLE VII IMPEACHMENTS	ARTICLE VII IMPEACHMENTS	
Section 1. The Governor and Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and members of the State Board of Education, Judges of the Supreme Court, the Courts of Appeals and the Circuit Courts shall be liable to impeachment for high crimes or misdemeanors and for misconduct, habits of drunkenness or oppression in office.	Section 1. ALL ELECTIVE EXECUTIVE OFFICIALS OF THE state, and judges of the supreme court, courts of appeals and circuit courts shall be liable to impeachment for CRIMES, misconduct, habitual drunkenness, WILFUL NEGLECT OF DUTY, CORRUPTION IN OFFICE, INCOMPETENCY, OR ANY OFFENSE INVOLVING MORAL TURPITUDE or oppression in office.	Section 1
Section 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the senators shall be sworn to do justice according to law and evi-	Section 2. The house of representatives shall have the sole power of impeachment. ALL IMPEACHMENTS SHALL BE TRIED BEFORE THE SUPREME COURT, EXCEPT THAT THE GOVERNOR OR A MEMBER	Section 2

dence. When the Governor of the State is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected. But judgment in such cases shall not extend any further than removal from office, and disqualification to hold any office of honor, trust or profit under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

OF THE SUPREME COURT SHALL BE TRIED BY A SPECIAL COMMISSION OF SEVEN EMINENT JURISTS TO BE ELECTED BY THE SENATE. THE SUPREME COURT OR SPECIAL COMMISSION SHALL TAKE AN OATH TO TRY IMPARTIALLY THE PERSON IMPEACHED, AND NO PERSON SHALL BE CONVICTED WITHOUT THE CONCURRENCE OF FIVE-SEVENTHS OF THE COURT OR SPECIAL COMMISSION.

Section 3. Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.

Section 2

Section 4. EXCEPT AS PROVIDED IN THIS CONSTITUTION, ALL OFFICERS NOT SUBJECT TO IMPEACHMENT SHALL BE SUBJECT TO REMOVAL FROM OFFICE IN THE MANNER AND FOR THE CAUSES PROVIDED BY LAW.

Article XIV, Section 7.
See File No. 7, Section 5.

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FILE NO. 4

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLES IV AND XV.

Reported from the Committee on Initiative and Referendum, Revisons and Amendments.—No. 21, January 26, 1944, with recommendation that the Committee Substitute for Proposals Nos. 41, 45, 65, 77, 78, 88, 89, 107, 141, Art. X of 142, 146, 173, 263, 311, 327 be adopted.

R. E. L. MARRS, Secretary.

REPORT OF COMMITTEE ON INITIATIVE AND REFERENDUM REVISIONS AND AMENDMENTS—NO. 21.

Mr. President:

Your Committee on Initiative and Referendum, Revisions and Amendments—No. 21, to which was referred Proposals Nos. 41, 45, 65, 77, 78, 88, 89, 107, 141, Article X of No. 142, 146, 173, 263, 311, and 327, begs leave to report that it has carefully considered the same, and as a substitute for and in lieu of all above numbered proposals, recommends its Committee Substitute as follows:

ARTICLE IV

INITIATIVE AND REFERENDUM

Section 57. The people reserve to themselves power
2 to propose laws and amendments to the Constitution, and
3 to enact and reject the same at the polls, independent of
4 the General Assembly, and also reserve power at their own

5 option to approve or reject at the polls any act of the Gen-
6 eral Assembly, except as hereinafter enumerated.

(Same in substance as part of Section 57, Article IV)

Section 58. The first power reserved by the people is
2 the initiative. Eight per cent of the legal voters in each
3 of at least two-thirds of the congressional districts in the
4 State shall be required to propose any measure by petition
5 which would amend the Constitution, and five per cent of
6 such voters in such districts to propose any measure by
7 petition which would enact laws. Every such petition
8 shall be filed with the Secretary of State not less than four
9 months before the election at which it is to be voted upon;
10 shall contain an enacting clause; the full text of the meas-
11 ure; and, if a constitutional amendment, it shall not con-
12 tain more than one amended and revised article of this
13 Constitution, or one new article which shall not contain
14 more than one subject and matters properly connected
15 therewith. The enacting clause for proposed laws shall be
16 "Be it enacted by the people of the State of Missouri:"
17 The enacting clause for proposed constitutional amend-
18 ments shall be "Be it resolved by the people of the State
19 of Missouri that the Constitution be amended".

(Same in substance as part of Section 57, Article IV except "not more than eight per cent" changed to "eight per cent.")

Added clauses:

> "and five per cent of such voters in such districts to propose any measure by petition which would enact laws."
>
> "and, if a constitutional amendment, it shall not contain more than one amended and revised article of this Constitution, or one new article which

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shall not contain more than one subject and matters properly connected therewith."

"The enacting clause for proposed constitutional amendments shall be 'Be it resolved by the people of the State of Missouri that the Constitution be amended' ".

Section 59. The initiative shall not be used for the
2 appropriation of money, or for any other purpose prohibited
3 by this Constitution.
4 No measure proposed shall be adopted unless it receives
5 an affirmative majority of the votes cast thereon. If con-
6 flicting laws or conflicting amendments to the Constitution
7 shall be approved at the same election by a majority of
8 the votes cast thereon, the one receiving the highest number
9 of affirmative votes shall prevail.

(First sentence new)
(Second sentence new)
(Third sentence based on Proposal No. 141)

Section 60. The second power is the referendum, and
2 it may be ordered (except as to laws necessary for the im-
3 mediate preservation of the public peace, health or safety,
4 laws making appropriations for the current expenses of
5 the state government, for the maintenance of state insti-
6 tutions and for the support of public schools) either by the
7 petitions signed by five per cent of the legal voters in each
8 of at least two-thirds of the congressional districts in the
9 State, or by the General Assembly as other bills are en-
10 acted. Referendum petitions shall be filed with the Sec-
11 retary of State not more than ninety days after the final
12 adjournment of the session of the General Assembly which
13 passed the bill on which the referendum is demanded. The
14 veto power of the Governor shall not extend to measures

15 referred to the people. All elections on measures referred
16 to the people of the State shall be had at the biennial regular
17 general elections, except when the General Assembly shall
18 order a special election. Any measure referred to the people
19 shall take effect and become the law when it is approved by
20 a majority of the votes cast thereon, and not otherwise.
21 This section shall not be construed to deprive any member
22 of the General Assembly of the right to introduce any
23 measure.

(Same as part of Section 57, Article IV)

Section 61. The whole number of votes cast for Gover-
2 nor at the regular election last preceding the filing of any
3 petition for the initiative, or for the referendum, shall be
4 the basis on which the number of legal voters necessary to
5 sign such petition shall be counted.
6 The Secretary of State and all other officers submitting
7 the same to the people shall be guided by general laws.

(Same in substance as part of Section 57, Article IV)

REMARKS

The Committee had under consideration far-reaching curtailment of the use of the initiative. Among other suggestions were the abolishment of its use as to laws, abolishment of its use as to constitutional amendments, substantial increase in the number of signatures, enlargement of the territory over which the signatures should be obtained, a requirement that the petitions be deposited in a public office for signature, and provision that an affirmative vote should be secured within territorial limits irrespective of a total majority affirmative vote.

On the other hand, the Committee was asked to enlarge the efficacy of the initiative so that neither the General Assembly nor a Constitutional Convention could propose a repeal of a provision so added to the Constitution by the initiative except by a four-fifths vote.

The Committee agreed upon a program of conservative improvement in the use of the initiative, details of which are set out under the appropriate section.

The referendum was found to be in the form usually employed in other states. Consideration was given to the form of approval requiring an affirmative vote on the referred legislative act before it could become a law. Since matters referred are usually on the ballot at general elections, when constitutional amendments proposed by the General Assembly or initiative are voted upon, it was thought less confusing to the voter if the questions were worded so that the voter might vote affirmatively for matters he favored, and negatively upon the matters to be rejected.

It was thought, therefore, inadvisable to change the form of the referendum question.

SECTION 57

This section, which is an expression of the right of initiative and referendum, is drafted with the view that Section 1, Article IV should read:

"The legislative power, subject to the initiative and referendum and the limitations herein contained, shall be vested in a Senate and House of Representatives, to be styled 'The General Assembly of the State of Missouri.' "

In this manner a general declaration concerning legislative power will be expressed in Section 1 of the article on the legislative department.

SECTION 58

This section sets forth the requirement for an initiative petition, the signatures required, and the territory in which such petition shall be circulate

The present Constitution requires signatures of not to exceed eight per cent of the voters within prescribed territory. The General Assembly has fixed five per cent as the requirement for initiative petitions for laws as well as constitutional amendments.

The Committee recommends that each initiative petition proposing a constitutional amendment shall have the signatures of eight per cent of the voters, while for laws, the signature requirement remains at five per cent.

Heretofore, the requirement that an initiative proposition for the amendment of the Constitution shall contain but one article or one subject and matters properly connected therewith has been found in Section 2, Article XV. This restriction is now set forth in full in this section of Article IV.

The Committee was of the opinion this section should be amplified to include an enacting clause for proposed initiative constitutional amendments. The suggested words are: "Be it resolved by the people of the State of Missouri that the Constitution be amended:" In this manner, it can be definitely determined whether it is proposed that legislative material be included in the Constitution.

SECTION 59

This section is entirely new. The restriction upon the use of the initiative for appropriation of money is suggested mainly by the cogent reasoning of the Supreme Court of Missouri in the case of State ex rel. Hunt C. Moore v. Hon. Dwight H. Brown, decided by that court on November 12, 1942, reported in 165 SW 2nd 657.

In that case, the dangerous business of making appropriations by initiative, without regard to other constitutional requirements, or even attempting to set forth the full text of the many constitutional requirements which would be abrogated or rendered nugatory, is generally condemned.

The Committee concluded that appropriating money was of immediate concern, limited generally to a biennium period, and more properly based upon facts not available other than through legislative hearings and official budgeting.

The requirement that no proposed measure shall be adopted unless it receives an affirmative majority vote of the votes cast thereon has heretofore appeared only in legislative enactment. It was thought this was a constitutional requisite for a well-defined treatment of the subject.

The provision that if conflicting laws or conflicting amendments to the Constitution shall be approved at the same election, the one receiving the highest number of affirmative votes shall prevail is based on Proposal No. 141. Similar provision appears in the Constitutions of several states. The General Assembly of Missouri, in Section 12292, R. S. Mo. 1939, has acted also in this connection.

SECTION 60

The Committee favors this section in its identical language with rearrangement of the last sentence and appropriate rewording as to "General Assembly" instead of "legislative assembly".

SECTION 61

The whole number of votes cast for Governor at the last general election is made the basis for the voters necessary for signatures by this section.

This is required by reason of the nature of the vote for Justice of Supreme Court now cast under the constitutional amendment adopted November 5, 1940, known as the non-partisan court plan, and is in conformity with the provisions of other states.

ARTICLE XV

MODE OF AMENDING THE CONSTITUTION

Section 1. This Constitution may be revised and amended only in pursuance of the provisions of this article or as otherwise provided in this Constitution.

(Same as Section 1, Article XV)

Section 2. The General Assembly may, at any time, propose amendments to this Constitution as a majority of the members elected to each house shall deem expedient, and the vote thereon shall be taken by yeas and nays, and entered on the journal. The amendments proposed, either by the General Assembly or by initiative petition, shall be submitted to the electors of the State for their approval or rejection, by official ballot title as may be provided by law, on one independent and separate ballot without any emblem or party designation whatever, at the next general election, or at a special election called by the Governor in his discretion prior to such general election, at which he may submit any one or more of such proposed amendments. No proposed amendment, either by the General Assembly or initiative petition shall contain more than one amended and revised article of this Constitution or one new article which shall not contain more than one subject and matters properly connected therewith. Each proposed amendment shall be published once a week for two consecutive weeks next preceding such election, in at least two newspapers of different political faith if possible, in each county of the State where a newspaper is published. If there be but one newspaper published in any county, publication for four consecutive weeks shall be made. If a majority of the electors of the State voting for and against any one of such amendments shall vote for such amendment, the same shall

28 become a part of the Constitution, and shall go into force
29 and effect at the end of thirty days after such election.
30 When more than one amendment shall be submitted at
31 the same time, they shall be so submitted as to enable
32 the electors to vote on each amendment separately.

(Same as Section 2, Article XV except for the addition of "either by the General Assembly or by initiative petition.")

(Change in time of publication so as to read "Each proposed amendment shall be published once a week for two consecutive weeks next preceding such election, in at least two newspapers of different political faith if possible, in each county of the State where a newspaper is published. If there be but one newspaper published in any county, publication for four consecutive weeks shall be made."

Section 3. The General Assembly may at any time
2 authorize by law that a vote of the electors of the state
3 be taken upon the question, "Shall there be a convention
4 to revise and amend the Constitution?" which shall be
5 submitted to the electors on a separate ballot without
6 party designation of any kind, at either a special or general
7 election, as the General Assembly may provide, and if
8 the majority of the electors voting for and against the
9 calling of a convention shall vote for a convention, the
10 Governor shall issue writs of election to the sheriffs of
11 the different counties, ordering the election of delegates
12 to the convention, on a day not less than three nor more
13 than six months after that on which said question shall
14 have been voted on. The electors of each senatorial
15 district of the State, as then organized, shall elect two
16 delegates as herein provided at such election, and the
17 electors of the State voting at the same election shall

18 elect fifteen delegates-at-large, such election to be con-
19 ducted as provided by law; and each delegate shall possess
20 the qualifications of a senator; and no person holding any
21 other office of trust or profit (officers of the organized militia,
22 school directors, justices of the peace and notaries public
23 excepted) shall be eligible to be elected a delegate to the
24 convention. In order to secure representation from differ-
25 ent political parties in each senatorial district, each political
26 party as then authorized by law to make nominations
27 for the office of state senator in each senatorial district
28 shall nominate only one candidate for delegate from such
29 senatorial district, and such candidate shall be nominated
30 in such manner as may be prescribed by the senatorial
31 committee of the respective parties, and a certificate of
32 nomination shall be filed in the office of the Secretary of
33 State at least thirty days before such election, and such
34 candidate shall be voted for, each on a separate ballot
35 with emblem or party designation, and each elector shall
36 have the right to vote for one of such candidates, and
37 the two candidates receiving the highest number of votes
38 in each senatorial district shall be elected; and all candi-
39 dates for delegates-at-large shall be nominated by nominat-
40 ing petitions only, which shall be filed in the office of the
41 Secretary of State at least thirty days before any such
42 election and shall be verified in the same manner as may be
43 provided by law for initiative petitions, and until other-
44 wise provided by law such petitions shall be signed by
45 electors of the State, equal in number to at least five per
46 centum of the entire vote cast for Governor at the last
47 general election in the senatorial district in which such
48 candidates reside: and all candidates for delegates-at-large
49 shall be voted for upon one independent and separate
50 ballot without any emblem or party designation whatever,
51 and the fifteen candidates for delegates-at-large receiving

52 the highest number of votes shall be elected. Not less
53 than fifteen days before the election, the Secretary of
54 State shall certify to the county clerk of the county the
55 name of each person nominated for the office of delegate
56 from the senatorial district in which the county, or any
57 part of it, is included, and the names of all persons nom-
58 inated for delegates-at-large.

59 The delegates so elected shall be convened at the seat
60 of government by proclamation of the Governor within
61 six months after their election. The facilities of the legisla-
62 tive chambers and legislative quarters shall be made
63 available for the convention and the delegates. Upon
64 the convening of the convention all delegates shall take
65 an oath or affirmation to support the Constitution of the
66 United States and of the State of Missouri, and to faith-
67 fully discharge their duties as delegates to the convention,
68 and shall receive for their services the sum of ten dollars
69 per diem and mileage as provided by law for members
70 of the General Assembly. A majority of the delegates
71 of the convention shall constitute a quorum for the trans-
72 action of business, and no Constitution or amendment to
73 this Constitution shall be submitted for approval or re-
74 jection to the electors of the State as herein provided,
75 unless by the assent of a majority of all the delegates
76 elected to the convention, the yeas and nays being entered
77 on the journal to be kept. The convention shall have power
78 to appoint such officers, employes and assistants as it
79 may deem necessary, and fix their compensation, and to
80 provide for the printing of its documents, journals, pro-
81 ceedings and a record of its debates, and to appropriate
82 money to pay for the expenditures incurred. The sessions
83 of the convention shall be held with open doors, and the
84 convention shall determine the rules of its own proceed-
85 ings, choose its own officers, and be the judge of the elec-

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86 tion returns and qualifications of its delegates. In case
87 of a vacancy by death, resignation or other cause, of any
88 delegate elected to the convention, such vacancy shall be
89 filled by the Governor by the appointment of another
90 delegate from the same political party to which the dele-
91 gate causing the vacancy belonged.

92 Any proposed Constitution or constitutional amend-
93 ment which shall have been adopted by such convention
94 shall be submitted to a vote of the electors of the State
95 in such manner and containing such separate and alterna-
96 tive propositions and on such official ballot as may be
97 provided by such convention, at a special election on a
98 day to be therein fixed, not less than sixty days nor more
99 than six months after the adjournment of the convention.
100 Upon the approval of such Constitution or constitutional
101 amendments in the manner provided in the last preceding
102 section, such Constitution or constitutional amendments
103 shall go into force and effect at the end of thirty days
104 after such election. The result of such election shall be
105 made known by proclamation by the Governor.

(Same as Section 3, Article XV except "National Guard officers" changed to "officers of the organized militia" and omitting "nor during the term for which he shall have been elected or appointed")

(New provision added—"The facilities of the legislative chambers and legislative quarters shall be made available for the convention and the delegates.")

Section 4. The question "Shall there be a conven-
2 tion to revise and amend the Constitution?" shall be sub-

3 mitted by the Secretary of State to the electors of the
4 State at the general election to be held on the first Tuesday
5 in November, one thousand nine hundred and sixty-two,
6 and at such general election every twenty years thereafter,
7 and in case a majority of the electors voting for and against
8 the calling of a convention shall vote for a convention, the
9 Governor shall issue writs of election to the sheriffs of
10 the different counties, ordering the election of delegates,
11 and the assembling of such convention, as is provided in
12 the preceding sections.

(Same as Section 4, Article XV, except words added "By the Secretary of State" and the election changed to the first Tuesday in November, 1962, and such general election every twenty years thereafter.)

REMARKS

No material change in the mode of amending the Constitution was deemed advisable by the Committee.

The changes recommended are clarifications of expression, or corrections to meet obvious defects.

The present Constitution would seem to prevent a person who had been appointed or elected to an office of trust or profit, even though such person no longer held the office, from being a candidate for delegate to a constitutional convention, during the term of election or appointment. The Committee's recommendation is that the general restriction is adequate.

The present Constitution requires the convening of the convention at the seat of government. The Committee was of the opinion the convention and the delegates should have

constitutional authority to use the legislative chambers and the legislative quarters.

Respectfully submitted,

V. E. PHILLIPS
Chairman
**CLAUDE ARNOLD
ALBERT KREAMALMYER
LESLIE C. DEASON
*W. O. HANKS
E. C. KEHR
R. T. WOOD
**HOWARD C. POTTER
CARROLL WISDOM
C. W. BURKHEAD
EDWARD J. HOGAN, JR.
I. S. SMITH
Committee on Initiative and Referendum, Revisions and Amendments—No. 21.

*With reservations as to Section 58, Article IV.
**With reservations as to Section 2, Article XV.

All proposals considered by the Committee, and for which the foregoing is a Committee Substitute, are returned herewith to the convention, properly endorsed.

V. E. PHILLIPS,
Chairman.

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FILE NO. 4

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLES IV AND XV

Reported from the Committee on Initiative and Referendum Revisions and Amendments.—No. 21, January 26, 1944, with recommendation that the Committee Substitute for Proposals Nos. 41, 45, 65, 77, 78, 88, 89, 107, 141, Article X of 142, 146, 173, 263, 311, 327 be adopted.

Taken up March 15, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment March 15, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment April 25, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 4, respectfully reports that it has examined the report of Committee No. 21 on Initiative and Referendum, Revisions and Amendments as amended and adopted by the Convention on March 15, 1944, and it herewith reports said file to the Convention, with its changes as to phraseology and arrangement as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS
Chairman

FILE NO. 4.

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI
REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT
ARTICLE IV
INITIATIVE AND REFERENDUM

As Adopted by the Convention.

Section 57. The people reserve TO THEMSELVES power to propose laws and amendments to the Constitution, and to enact and reject the same at the polls, independent of the General Assembly, and also reserve power AT THEIR OWN OPTION to approve or reject at the polls any act of the General Assembly, except as hereinafter enumerated.

Section 58. THE FIRST POWER RESERVED BY THE PEOPLE IS THE INITIATIVE. Eight per cent of the legal voters in each of AT LEAST two-thirds of the congressional districts in the State shall be required to propose any measure by petition which would amend the Constitution, and five per cent of such voters in such districts to propose any measure by petition which

As Suggested by the Committee.

Section 57. The people reserve power to propose and enact or reject laws and amendments to the Constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as herein after provided.

(Condensation of Section 57.)

Section 58. Initiative petitions proposing amendments to the Constitution shall be signed by eight per cent of the legal voters in each of two-thirds of the congressional districts in the state, and petitions proposing laws shall be signed by five per cent of such voters. Every such petition shall be filed with the secretary of state not less than four months before the election and shall contain an enacting

would enact laws. Every such petition shall be filed with the Secretary of State not less than four months before the election AT WHICH IT IS TO BE VOTED UPON; shall contain an enacting clause; the full text of the measure; and, if a constitutional amendment, it shall not contain more than one amended and revised article of this Constitution, or one new article which shall not contain more than one subject and matters properly connected therewith, or if a law, it shall not contain more than one subject, which shall be clearly expressed in its title. The enacting clause for proposed laws shall be "Be it enacted by the people of the State of Missouri:". The enacting clause for proposed constitutional amendments shall be "Be it resolved by the people of the State of Missouri that the Constitution be amended".

clause and the full text of the measure. Petitions for constitutional amendments shall not contain more than one amended and revised article of this Constitution, or one new article which shall not contain more than one subject and matters properly connected therewith, and the enacting clause thereof shall be "Be it resolved by the people of the state of Missouri that the Constitution be amended:". Petitions for laws shall contain not more than one subject which shall be expressed clearly in the title, and the enacting clause thereof shall be "Be it enacted by the people of the state of Missouri:".

(Changes: Omission of bold faced words.

Second sentence rewritten.

Substitution of "and" for semi-colon between second and third clauses of third sentence.

Last two sentences rewritten and consolidated.

No capitalization of "state", and "secretary of state".

Transposition of "clearly" in "shall be clearly expressed".

Section 59. The Initiative shall not be used for the appropriation of money other than new revenues created and provided (for) by THE INI-

Section 59. The initiative shall not be used for the appropriation of money other than of new revenues created and provided for thereby, or for any

TIATIVE ACT ITSELF, or for any other purpose prohibited by this Constitution.

NO measure proposed shall be adopted unless it receives an affirmative majority of the votes cast thereon. If conflicting laws or conflicting amendments to the Constitution shall be approved at the same election by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall prevail.

Section 60. THE SECOND POWER IS THE referendum, AND IT may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, laws making appropriation for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by THE petitions signed by five per cent of the legal voters in each of AT LEAST two-thirds of the congressional districts in the State, or by the General Assembly as

other purpose prohibited by this Constitution. Except as provided in this Constitution, any measure proposed shall take effect when approved by a majority of the votes cast thereon. When conflicting measures are approved at the same election the one receiving the largest affirmative vote shall prevail.

(Changes: Elimination of bold faced words and no capitalization of "initiative."

Substitution of "thereby" for "by".

Second paragraph condensed.

Insertion of "Except as provided in this Constitution".

Substitution of "Any" for "no".

Section 60. A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by petitions signed by five per cent of the legal voters in each of two-thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall

other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the General Assembly which passed the bill on which the referendum is demanded.

The veto power of the Governor shall not extend to measures referred to the people. All elections on measures referred to the people OF THE STATE shall be had at the BIENNIAL REGULAR general elections, except when the General Assembly shall order a special election. Any measure referred to the people shall take effect AND BECOME THE LAW when IT IS approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the General Assembly of the right to introduce any measure.

Section 61. The WHOLE NUMBER OF VOTES CAST for Governor at the REGULAR election last preceding the filing of any petition FOR THE initiative, or FOR THE referendum, shall be

be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.

The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure.

(Changes: Omission of bold faced words.

No capitalization of "state", "general assembly", and "governor".

Insertion of "and" before second "laws" in exception clause.

Section 61. The total vote for governor at the general election last preceding the filing of any initiative or referendum petition shall be used to determine the number of legal voters necessary to sign

the basis on which the number of legal voters necessary to sign such petition shall be counted.

The Secretary of State and all other officers submitting the same to the people shall be guided by general law.

the petition. In submitting the same to the people the secretary of state and all other officers shall be governed by general laws.

(Changes: No capitalization of "governor" and "secretary of state".

Omission of bold faced words.

Substitution of "total vote" for "whole number of votes cast", of "general election" for "regular election", and of "shall be used to determine" for "shall be the basis on which".

Transposition of "submitting the same" in second paragraph.

ARTICLE XV

MODE OF AMENDING THE CONSTITUTION.

As Adopted by the Convention:

Section 1. This Constitution may be revised and amended only in pursuance of the provisions of this article or as otherwise provided in this Constitution.

Section 2. The General Assembly may, at any time, propose amendments to this Constitution as a majority of the members elected to each house shall deem expedient, and the vote thereon shall be taken by yeas and nays, and entered on the journal. The amendments proposed, either by the General Assembly, or by initiative petition, shall be submitted to the electors of the State for their approval or rejection, by official ballot title as may be provided by law, on one independent and separate ballot without any emblem or party designation whatever, at the next general election, or at a special election called by the Governor in his discretion prior to such general election, at which he may submit any one or more of such proposed amendments. No proposed amendment, either by the General Assembly or

As Suggested by the Committee:

Section 1. This Constitution may be revised and amended only as therein provided.

(Condensation of Section 1.)

Section 2. Constitutional amendments may be proposed at any time by a majority of the members elect of each house of the general assembly, the vote to be taken by yeas and nays and entered on the journal.

(Condensation of first paragraph of section 2.)

All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this Constitution, or one new article which shall

initiative petition shall contain more than one amended and revised article of this Constitution or one new article which shall not contain more than one subject and matters properly connected therewith. Each proposed amendment shall be published once a week for two consecutive weeks PRECEDING SUCH ELECTION, in two newspapers of different political faith if possible, in each county OF THE STATE WHERE A NEWSPAPER IS PUBLISHED, PROVIDED the last publication IS MADE not more than thirty nor less than fifteen days prior to said election. If there be but one newspaper PUBLISHED in any county, publication for four consecutive weeks shall be made. If a majority of the electors OF THE STATE voting for and against any one of such amendments shall vote for such amendment, the same shall BECOME A PART OF THE CONSTITUTION, AND SHALL GO INTO FORCE AND effect at the end of thirty days after such election. WHEN more than one amendment SHALL BE SUBMITTED at the same time, THEY shall be so submitted as to enable the electors to vote on each amendment separately.

Section 3. The General Assembly may at any time authorize by law that a vote of the electors of

not contain more than one subject and matters properly connected therewith. If possible, each proposed amendment shall be published once a week for two consecutive weeks in two newspapers of different political faith in each county, the last publication to be not more than thirty nor less than fifteen days next preceding the election. If there be but one newspaper in any county, publication for four consecutive weeks shall be made. If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.

(Condensation of rest of section 2.)

Section 3. At the general election on the first Tuesday following the first Monday in November

the state be taken upon the question, "Shall there be a convention to revise and amend the Constitution?" which shall be submitted to the electors on a separate ballot without party designation of any kind, at EITHER a special or general election, as the General Assembly may provide, and if the majority of the electors voting for and against the CALLING OF A CONVENTION shall vote for a convention, the Governor shall issue writs of election to the sheriffs of the different counties, ordering the election of delegates to the convention, on a day not less than three nor more than six months after that on which said question shall have been voted on. The electors of each senatorial district OF THE STATE, as then organized, shall elect two delegates as herein provided at such election, and the electors of the State voting at the same election shall elect fifteen delegates-at-large, such election to be conducted as provided by law; AND each delegate shall possess the qualifications of a senator; and no person holding any other office of trust or profit (officers of the organized militia, school directors, justices of the peace and notaries public excepted) shall be eligible to be elected a delegate TO THE CONVENTION. IN ORDER to secure representation

1962, and every twenty years thereafter, the secretary of state shall, and at any general or special election the general assembly by law may, submit to the electors of the state the question "Shall there be a convention to revise and amend the Constitution?". The question shall be submitted on a separate ballot without party designation, and if a majority of the votes cast thereon is for the affirmative, the governor shall call an election of delegates to the convention on a day not less than three nor more than six months after the election on the question. At the election the electors of the state shall elect fifteen delegates-at-large and the electors of each state senatorial district shall elect two delegates. Each delegate shall possess the qualifications of a senator; and no person holding any other office of trust or profit (officers of the organized militia, school directors, justices of the peace and notaries public excepted) shall be eligible to be elected a delegate. To secure representation from different political parties in each senatorial district, in the manner prescribed by its senatorial district committee each political party shall nominate but one candidate for delegate from each senatorial district, the certificate of nomination shall be filed in the

from different political parties in each senatorial district, each political party as then authorized by law to make nominations for the office of state senator in each senatorial district shall nominate only one candidate for delegate from such senatorial district, and such candidate shall be nominated in such manner as may be prescribed by the senatorial committee of the respective parties, and a certificate of nomination shall be filed in the office of the Secretary of State at least thirty days before such election, and such candidate shall be voted for, each on a separate ballot with emblem or party designation, and each elector shall have the right to vote for one of such candidates, and the two candidates receiving the highest number of votes in each senatorial district shall be elected; AND all candidates for delegates-at-large shall be nominated by nominating petitions only, which shall be filed in the office of the Secretary of State at least thirty days before any such election and shall be verified in the same manner as may be provided by law for initiative petitions, and until otherwise provided by law such petitions shall be signed by electors of the State, equal in number to at least five per centUM of the entire vote cast office of the secretary of state at least thirty days before the election, each candidate shall be voted for on a separate ballot bearing the party designation, each elector shall vote for but one of the candidates, and the two candidates receiving the highest number of votes in each senatorial district shall be elected. Candidates for delegates-at-large shall be nominated by nominating petitions only, which shall be signed by electors of the state equal to five per cent of the legal voters in the senatorial district in which the candidate resides until otherwise provided by law, and shall be verified as provided by law for initiative petitions, and filed in the office of the secretary of state at least thirty days before the election. All such candidates shall be voted for on a separate ballot without party designation, and the fifteen receiving the highest number of votes shall be elected. Not less than fifteen days before the election, the secretary of state shall certify to the county clerk of the county the name of each person nominated for the office of delegate from the senatorial district in which the county, or any part of it, is included, and the names of all persons nominated for delegates-at-large.

for Governor at the last general election in the senatorial district in which such candidates reside: and all candidates for delegates-at-large shall be voted for upon one independent and separate ballot without any emblem or party designation whatever, and the fifteen candidates for delegates-at-large receiving the highest number of votes shall be elected. Not less than fifteen days before the election, the Secretary of State shall certify to the county clerk of the county the name of each person nominated for the office of delegate from the senatorial district in which the county, or any part of it, is included, and the names of all persons nominated for delegates-at-large.

The delegates so elected shall be convened at the seat of government by proclamation of the Governor within six months after their election. The facilities of the legislative chambers and legislative quarters shall be made available for the convention and the delegates. Upon THE convening OF THE CONVENTION all delegates shall take an oath or affirmation to support the Constitution of the United States and of the State of Missouri, and to faithfully discharge their duties as delegates to the convention, and shall receive for their services the sum of ten

The delegates so elected shall be convened at the seat of government by proclamation of the governor within six months after their election. The facilities of the legislative chambers and legislative quarters shall be made available for the convention and the delegates. Upon convening all delegates shall take an oath or affirmation to support the Constitution of the United States and of the state of Missouri, and to discharge faithfully their duties as delegates to the convention, and shall receive for their services the sum of ten dollars per diem and mileage as provided by law for members of the general assembly. A majority of the delegates shall constitute a quorum for the transaction of business, and no Constitution or amendment to this Constitution shall be submitted to the electors for approval or rejection unless by the assent of a majority of all the delegates elect, the yeas and nays being entered on the journal. The convention may appoint such officers, employes and assistants as it may deem necessary, fix their compensation, provide for the printing of its documents, journals, proceedings and a record of its debates, and appropriate money for the expenditures incurred. The sessions of the convention shall be held with open doors, and it shall determine the rules of its

dollars per diem and mileage as provided by law for members of the General Assembly. A majority of the delegates OF THE CONVENTION shall constitute a quorum for the transaction of business, and no Constitution or amendment to this Constitution shall be submitted for approval or rejection to the electors OF THE STATE AS HEREIN PROVIDED, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and to provide for the printing of its documents, journals, proceedings and a record of its debates, and to appropriate money TO PAY for the expenditures incurred. The sessions of the convention shall be held with open doors, and the convention shall determine the rules of its its own proceedings, choose its own officers, and be the judge of the election returns and qualifications of its delegates. In case of a vacancy by death, resignation or other cause, of any delegate ELECTED TO THE CONVENTION, such vacancy shall be filled by the Governor by the appointment of another delegate FROM the SAME politi-

own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its delegates. In case of a vacancy by death, resignation or other cause, the vacancy shall be filled by the governor by the appointment of another delegate of the political party of the delegate causing the vacancy.

Any proposed Constitution or Constitutional amendment adopted by the convention shall be submitted to a vote of the electors of the state at such time, in such manner and containing such separate and alternative propositions and on such official ballot as may be provided by the convention, at a special election not less than sixty days nor more than six months after the adjournment of the convention. Upon the approval of the Constitution or constitutional amendments the same shall take effect at the end of thirty days after the election. The result of the election shall be proclaimed by the Governor.

(Condensation of section 3.)

cal party TO WHICH the delegate causing the vacancy BELONGED. Any proposed Constitution or constitutional amendment WHICH SHALL HAVE BEEN adopted by such convention shall be submitted to a vote of the electors of the State in such manner and containing such separate and alternative propositions and on such official ballot as may be provided by such convention, at a special election on a day to be therein fixed, not less than sixty days nor more than six months after the adjournment of the convention. Upon the approval of such Constitution or constitutional amendments IN THE MANNER PROVIDED IN THE LAST PRECEDING SECTION, SUCH CONSTITUTION OR CONSTITUTIONAL AMENDMENTS shall GO INTO FORCE AND effect at the end of thirty days after such election. The result of such election shall be made known by proclamation by the Governor.

ALROY S. PHILLIPS
HOWARD C. POTTER
JAMES E. SATER
THOMAS C. HENNINGS, SR.
RICHARD S. RIGHTER
ALLEN McREYNOLDS
MEREDITH GARTEN

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FILE NO. 4

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLES IV AND XV

Reported from the Committee on Initiative and Referendum, Revisions and Amendments.—No. 21, January 26, 1944, with recommendation that the Committee Substitute for Proposals Nos. 41, 45, 65, 77, 78, 88, 89, 107, 141, Article X of 142, 146, 173, 263, 311, 327 be adopted.

Taken up March 15, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment March 15, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment April 25, 1944.

Amended Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment May 4, 1944.

R. E. L. MARRS, Secretary.

AMENDED REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLES IV AND XV

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 4 respectfully reports that it has re-examined the report of Committee No. 21 on Initiative and Referendum, Revisions and Amendments, and all amendments thereto, and it herewith again reports said file as adopted by the Convention on March 15, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,

Chairman

FILE NO. 4.

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI
AMENDED REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT
ARTICLE IV
INITIATIVE AND REFERENDUM

As Adopted by the Convention.

Section 57. The people reserve TO THEMSELVES power to propose laws and amendments to the Constitution, and to enact and reject the same at the polls, independent of the General Assembly, and also reserve power AT THEIR OWN OPTION to approve or reject at the polls any act of the General Assembly, except as hereinafter enumerated.

Section 58. THE FIRST POWER RESERVED BY THE PEOPLE IS THE INITIATIVE. Eight per cent of the legal voters in each of AT LEAST two-thirds of the congressional districts in the State shall be required to propose any measure by petition which would amend the Constitution, and five per cent of such voters in such districts to propose any measure by petition which

As Suggested by the Committee.

Section 57. The people reserve power to propose and enact or reject laws and amendments to the Constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.

(Condensation of Section 57.)

Section 58. Initiative petitions proposing amendments to the Constitution shall be signed by eight per cent of the legal voters in each of two-thirds of the congressional districts in the state, and petitions proposing laws shall be signed by five per cent of such voters. Every such petition shall be filed with the secretary of state not less than four months before the election and shall contain an enacting

would enact laws. Every such petition shall be filed with the Secretary of State not less than four months before the election AT WHICH IT IS TO BE VOTED UPON; shall contain an enacting clause; the full text of the measure; and, if a constitutional amendment, it shall not contain more than one amended and revised article of this Constitution, or one new article which shall not contain more than one subject and matters properly connected therewith, or if a law, it shall not contain more than one subject, which shall be clearly expressed in its title. The enacting clause for proposed laws shall be "Be it enacted by the people of the State of Missouri:". The enacting clause for proposed constitutional amendments shall be "Be it resolved by the people of the State of Missouri that the Constitution be amended".

clause and the full text of the measure. Petitions for constitutional amendments shall not contain more than one amended and revised article of this Constitution, or one new article which shall not contain more than one subject and matters properly connected therewith, and the enacting clause thereof shall be "Be it resolved by the people of the state of Missouri that the Constitution be amended:". Petitions for laws shall contain not more than one subject which shall be expressed clearly in the title, and the enacting clause thereof shall be "Be it enacted by the people of the state of Missouri:".

(Changes: Omission of bold faced words.

Second sentence rewritten.

Substitution of "and" for semi-colon between second and third clauses of third sentence.

Last two sentences rewritten and consolidated.

No capitalization of "state", and "secretary of state".

Transposition of "clearly" in "shall be clearly expressed".

Section 59. The Initiative shall not be used for the appropriation of money other than new revenues created and provided (for) by THE INI-

Section 59. The initiative shall not be used for the appropriation of money other than of new revenues created and provided for thereby, or for any

TIATIVE ACT ITSELF, or for any other purpose prohibited by this Constitution.

NO measure proposed shall be adopted unless it receives an affirmative majority of the votes cast thereon. If conflicting laws or conflicting amendments to the Constitution shall be approved at the same election by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall prevail.

Section 60. THE SECOND POWER IS THE referendum, AND IT may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, laws making appropriation for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by THE petitions signed by five per cent of the legal voters in each of AT LEAST two-thirds of the congressional districts in the State, or by the General Assembly as other purpose prohibited by this Constitution. Except as provided in this Constitution, any measure proposed shall take effect when approved by a majority of the votes cast thereon. When conflicting measures are approved at the same election the one receiving the largest affirmative vote shall prevail.

(Changes: Elimination of bold faced words and no capitalization of "initiative."

Substitution of "thereby" for "by".

Second paragraph condensed.

Insertion of "Except as provided in this Constitution".

Substitution of "Any" for "no".

Section 60. A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by petitions signed by five per cent of the legal voters in each of two-thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall

other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the General Assembly which passed the bill on which the referendum is demanded.

The veto power of the Governor shall not extend to measures referred to the people. All elections on measures referred to the people OF THE STATE shall be had at the BIENNIAL REGULAR general elections, except when the General Assembly shall order a special election. Any measure referred to the people shall take effect AND BECOME THE LAW when IT IS approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the General Assembly of the right to introduce any measure.

Section 61. The WHOLE NUMBER OF VOTES CAST for Governor at the REGULAR election last preceding the filing of any petition FOR THE initiative, or FOR THE referendum, shall be

be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.

The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure.

(Changes: Omission of bold faced words.

No capitalization of "state", "general assembly", and "governor".

Insertion of "and" before second "laws" in exception clause.

Section 61. The total vote for governor at the general election last preceding the filing of any initiative or referendum petition shall be used to determine the number of legal voters necessary to sign

the basis on which the number of legal voters necessary to sign such petition shall be counted.

The Secretary of State and all other officers submitting the same to the people shall be guided by general law.

the petition. In submitting the same to the people the secretary of state and all other officers shall be governed by general laws.

(Changes: No capitalization of "governor" and "secretary of state".

Omission of bold faced words.

Substitution of "total vote" for "whole number of votes cast", of "general election" for "regular election", and of "shall be used to determine" for "shall be the basis on which".

Transposition of "submitting the same" in second paragraph.

ARTICLE XV

MODE OF AMENDING THE CONSTITUTION.

As Adopted by the Convention:

Section 1. This Constitution may be revised and amended only in pursuance of the provisions of this article or as otherwise provided in this Constitution.

Section 2. The General Assembly may, at any time, propose amendments to this Constitution as a majority of the members elected to each house shall deem expedient, and the vote thereon shall be taken by yeas and nays, and entered on the journal. The amendments proposed, either by the General Assembly, or by initiative petition, shall be submitted to the electors of the State for their approval or rejection, by official ballot title as may be provided by law, on one independent and separate ballot without any emblem or party designation whatever, at the next general election, or at a special election called by the Governor in his discretion prior to such general election, at which he may submit any one or more of such proposed amendments. No proposed amendment, either by the General Assembly or

As Suggested by the Committee:

Section 1. This Constitution may be revised and amended only as therein provided.

(Condensation of Section 1.)

Section 2. Constitutional amendments may be proposed at any time by a majority of the members elect of each house of the general assembly, the vote to be taken by yeas and nays and entered on the journal.

(Condensation of first paragraph of section 2.)

All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this Constitution, or one new article which shall

initiative petition shall contain more than one amended and revised article of this Constitution or one new article which shall not contain more than one subject and matters properly connected therewith. Each proposed amendment shall be published once a week for two consecutive weeks PRECEDING SUCH ELECTION, in two newspapers of different political faith if possible, in each county OF THE STATE WHERE A NEWSPAPER IS PUBLISHED, PROVIDED the last publication IS MADE not more than thirty nor less than fifteen days prior to said election. If there be but one newspaper PUBLISHED in any county, publication for four consecutive weeks shall be made. If a majority of the electors OF THE STATE voting for and against any one of such amendments shall vote for such amendment, the same shall BECOME A PART OF THE CONSTITUTION, AND SHALL GO INTO FORCE AND effect at the end of thirty days after such election. WHEN more than one amendment SHALL BE SUBMITTED at the same time, THEY shall be so submitted as to enable the electors to vote on each amendment separately.

Section 3. The General Assembly may at any time authorize by law that a vote of the electors of

not contain more than one subject and matters properly connected therewith. If possible, each proposed amendment shall be published once a week for two consecutive weeks in two newspapers of different political faith in each county, the last publication to be not more than thirty nor less than fifteen days next preceding the election. If there be but one newspaper in any county, publication for four consecutive weeks shall be made. If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.

(Condensation of rest of section 2.)

Section 3. At the general election on the first Tuesday following the first Monday in November

the state be taken upon the question, "Shall there be a convention to revise and amend the Constitution?" which shall be submitted to the electors on a separate ballot without party designation of any kind, at EITHER a special or general election, as the General Assembly may provide, and if the majority of the electors voting for and against the CALLING OF A CONVENTION shall vote for a convention, the Governor shall issue writs of election to the sheriffs of the different counties, ordering the election of delegates to the convention, on a day not less than three nor more than six months after that on which said question shall have been voted on. The electors of each senatorial district OF THE STATE, as then organized, shall elect two delegates as herein provided at such election, and the electors of the State voting at the same election shall elect fifteen delegates-at-large, such election to be conducted as provided by law; AND each delegate shall possess the qualifications of a senator; and no person holding any other office of trust or profit (officers of the organized militia, school directors, justices of the peace and notaries public excepted) shall be eligible to be elected a delegate TO THE CONVENTION. IN ORDER to secure representation

1962, and every twenty years thereafter, the secretary of state shall, and at any general or special election the general assembly by law may, submit to the electors of the state the question "Shall there be a convention to revise and amend the Constitution?". The question shall be submitted on a separate ballot without party designation, and if a majority of the votes cast thereon is for the affirmative, the governor shall call an election of delegates to the convention on a day not less than three nor more than six months after the election on the question. At the election the electors of the state shall elect fifteen delegates-at-large and the electors of each state senatorial district shall elect two delegates. Each delegate shall possess the qualifications of a senator; and no person holding any other office of trust or profit (officers of the organized militia, school directors, justices of the peace and notaries public excepted) shall be eligible to be elected a delegate. To secure representation from different political parties in each senatorial district, in the manner prescribed by its senatorial district committee each political party shall nominate but one candidate for delegate from each senatorial district, the certificate of nomination shall be filed in the

from different political parties in each senatorial district, each political party as then authorized by law to make nominations for the office of state senator in each senatorial district shall nominate only one candidate for delegate from such senatorial district, and such candidate shall be nominated in such manner as may be prescribed by the senatorial committee of the respective parties, and a certificate of nomination shall be filed in the office of the Secretary of State at least thirty days before such election, and such candidate shall be voted for, each on a separate ballot with emblem or party designation, and each elector shall have the right to vote for one of such candidates, and the two candidates receiving the highest number of votes in each senatorial district shall be elected; AND all candidates for delegates-at-large shall be nominated by nominating petitions only, which shall be filed in the office of the Secretary of State at least thirty days before any such election and shall be verified in the same manner as may be provided by law for initiative petitions, and until otherwise provided by law such petitions shall be signed by electors of the State, equal in number to at least five per centUM of the entire vote cast office of the secretary of state at least thirty days before the election, each candidate shall be voted for on a separate ballot bearing the party designation, each elector shall vote for but one of the candidates, and the two candidates receiving the highest number of votes in each senatorial district shall be elected. Candidates for delegates-at-large shall be nominated by nominating petitions only, which shall be signed by electors of the state equal to five per cent of the legal voters in the senatorial district in which the candidate resides until otherwise provided by law, and shall be verified as provided by law for initiative petitions, and filed in the office of the secretary of state at least thirty days before the election. All such candidates shall be voted for on a separate ballot without party designation, and the fifteen receiving the highest number of votes shall be elected. Not less than fifteen days before the election, the secretary of state shall certify to the county clerk of the county the name of each person nominated for the office of delegate from the senatorial district in which the county, or any part of it, is included, and the names of all persons nominated for delegates-at-large.

for Governor at the last general election in the senatorial district in which such candidates reside: and all candidates for delegates-at-large shall be voted for upon one independent and separate ballot without any emblem or party designation whatever, and the fifteen candidates for delegates-at-large receiving the highest number of votes shall be elected. Not less than fifteen days before the election, the Secretary of State shall certify to the county clerk of the county the name of each person nominated for the office of delegate from the senatorial district in which the county, or any part of it, is included, and the names of all persons nominated for delegates-at-large.

The delegates so elected shall be convened at the seat of government by proclamation of the Governor within six months after their election. The facilities of the legislative chambers and legislative quarters shall be made available for the convention and the delegates. Upon THE convening OF THE CONVENTION all delegates shall take an oath or affirmation to support the Constitution of the United States and of the State of Missouri, and to faithfully discharge their duties as delegates to the convention, and shall receive for their services the sum of ten

The delegates so elected shall be convened at the seat of government by proclamation of the governor within six months after their election. The facilities of the legislative chambers and legislative quarters shall be made available for the convention and the delegates. Upon convening all delegates shall take an oath or affirmation to support the Constitution of the United States and of the state of Missouri, and to discharge faithfully their duties as delegates to the convention, and shall receive for their services the sum of ten dollars per diem and mileage as provided by law for members of the general assembly. A majority of the delegates shall constitute a quorum for the transaction of business, and no Constitution or amendment to this Constitution shall be submitted to the electors for approval or rejection unless by the assent of a majority of all the delegates elect, the yeas and nays being entered on the journal. The convention may appoint such officers, employes and assistants as it may deem necessary, fix their compensation, provide for the printing of its documents, journals, proceedings and a record of its debates, and appropriate money for the expenditures incurred. The sessions of the convention shall be held with open doors, and it shall determine the rules of its

dollars per diem and mileage as provided by law for members of the General Assembly. A majority of the delegates OF THE CONVENTION shall constitute a quorum for the transaction of business, and no Constitution or amendment to this Constitution shall be submitted for approval or rejection to the electors OF THE STATE AS HEREIN PROVIDED, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation, and to provide for the printing of its documents, journals, proceedings and a record of its debates, and to appropriate money TO PAY for the expenditures incurred. The sessions of the convention shall be held with open doors, and the convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election returns and qualifications of its delegates. In case of a vacancy by death, resignation or other cause, of any delegate ELECTED TO THE CONVENTION, such vacancy shall be filled by the Governor by the appointment of another delegate FROM the SAME politi-

own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its delegates. In case of a vacancy by death, resignation or other cause, the vacancy shall be filled by the governor by the appointment of another delegate of the political party of the delegate causing the vacancy.

Any proposed Constitution or constitutional amendment adopted by the convention shall be submitted to a vote of the electors of the state at such time, in such manner and containing such separate and alternative propositions and on such official ballot as may be provided by the convention, at a special election not less than sixty days nor more than six months after the adjournment of the convention. Upon the approval of the Constitution or constitutional amendments the same shall take effect at the end of thirty days after the election. The result of the election shall be proclaimed by the Governor.

(Condensation of sections 3 and 4.)

cal party TO WHICH the delegate causing the vacancy BELONGED. Any proposed Constitution or constitutional amendment WHICH SHALL HAVE BEEN adopted by such convention shall be submitted to a vote of the electors of the State in such manner and containing such separate and alternative propositions and on such official ballot as may be provided by such convention, at a special election on a day to be therein fixed, not less than sixty days nor more than six months after the adjournment of the convention. Upon the approval of such Constitution or constitutional amendments IN THE MANNER PROVIDED IN THE LAST PRECEDING SECTION, SUCH CONSTITUTION OR CONSTITUTIONAL AMENDMENTS shall GO INTO FORCE AND effect at the end of thirty days after such election. The result of such election shall be made known by proclamation by the Governor.

Section 4. The question "Shall there be a convention to revise and amend the Constitution?" shall be submitted by the secretary of state to the electors of the state at the general election to be held on the first Tuesday following the first Monday in

November, one thousand nine hundred and sixty-two, and at such general election every twenty years thereafter, and in case a majority of the electors voting for and against the question shall vote for a convention, the governor shall issue writs of election to the sheriffs of the different counties, ordering the election of delegates, and the assembling of such convention.

ALROY S. PHILLIPS
RICHARD S. RIGHTER
HOWARD C. POTTER
THOS. C. HENNINGS, SR.
ALLEN McREYNOLDS

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ENGROSSED

FILE NO. 4

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLES IV AND XV

Reported from the Committee on Initiative and Referendum, Revisions and Amendments.—No. 21, January 26, 1944, with recommendation that the Committee Substitute for Proposals Nos. 41, 45, 65, 77, 78, 88, 89, 107, 141, Article X of 142, 146, 173, 263, 311, 327 be adopted.

Taken up March 15, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment, March 15, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment April 25, 1944.

Amended Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment May 4, 1944.

Read 2nd time May 11, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 4 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 11, 1944.

Engrossed File No. 4 reported from the Committee on Phraseology, Arrangement and Engrossment May 18, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLES IV AND XV

INITIATIVE AND REFERENDUM AND MODE OF AMENDING THE CONSTITUTION

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 4, respectfully reports that it has examined its amended report and all amendments thereto as adopted and ordered engrossed by the Convention on May 11, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 4

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLES IV and XV

INITIATIVE and REFERENDUM and MODE OF AMENDING THE CONSTITUTION

Present Constitution	Engrossed File	Origin
ARTICLE IV LEGISLATIVE DEPARTMENT	ARTICLE IV INITIATIVE AND REFERENDUM	
Section 57. The legislative authority of the State shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments to the Constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative, and not more than eight per cent. of the legal voters in each of at least two-thirds of the congressional districts in the State shall be required to	Section 57. The people reserve power to propose and enact or reject laws and amendments to the Constitution BY THE INITIATIVE, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, EXCEPT AS HEREINAFTER PROVIDED.	Section 57, sentence 1, clauses 3, 4, 5 and 6. Clauses 1 and 2 omitted.
	Section 58. Initiative petitions proposing amendments to the Constitution SHALL BE SIGNED BY EIGHT PERCENT of the legal voters in each of two-thirds of the congressional districts in the state, and petitions proposing laws SHALL BE SIGNED BY FIVE PER CENT of such voters. Every such petition shall be filed with	Section 57, sentence 2, clause 2. Clause 1 omitted. All of sentence 3. Section 12,287 R. S. 1939. Section 57, sentence 9. Article XV, section 2.

propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety and laws making appropriations for the current expenses of the state government, for the maintenance of the state institutions and for the support of public schools) either by the petitions signed by five per cent. of the legal voters in each of at least two-thirds of the congressional districts in the State, or by the legislative assembly, as other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people. All elections on measures referred to the people of the State shall be had at the biennial regular general elections, except when the secretary of state not less than four months before the election AND SHALL CONTAIN AN ENACTING CLAUSE AND THE FULL TEXT OF THE MEASURE. PETITIONS FOR CONSTITUTIONAL AMENDMENTS SHALL NOT CONTAIN MORE THAN ONE AMENDED AND REVISED ARTICLE OF THIS CONSTITUTION, OR ONE NEW ARTICLE WHICH SHALL NOT CONTAIN MORE THAN ONE SUBJECT AND MATTERS PROPERLY CONNECTED THEREWITH, AND THE enacting clause THEREOF SHALL BE "BE IT RESOLVED BY THE PEOPLE OF THE STATE OF MISSOURI THAT THE CONSTITUTION BE AMENDED:". PETITIONS FOR LAWS SHALL CONTAIN NOT MORE THAN ONE SUBJECT WHICH SHALL BE EXPRESSED CLEARLY IN THE TITLE, AND THE enacting clause THEREOF SHALL BE "BE IT ENACTED BY THE PEOPLE OF THE STATE OF MISSOURI:".

First sentence new.

Second sentence from Section 57, sentence 7.

Third sentence from Section 12,292 R. S. 1939.

Section 59. THE INITIATIVE SHALL NOT BE USED FOR THE APPROPRIATION OF MONEY OTHER THAN OF NEW REVENUES CREATED AND PROVIDED FOR THEREBY, OR FOR ANY OTHER

the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: "Be it enacted by the people of the State of Missouri". This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for Justice of the Supreme Court at the regular election last preceding the filing of any petition for the initiative, or for the referendum, shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor.

PURPOSE PROHIBITED BY THIS CONSTITUTION. EXCEPT AS PROVIDED IN THIS CONSTITUTION, any measure proposed shall take effect when approved by a majority of the votes cast thereon. WHEN CONFLICTING MEASURES ARE APPROVED AT THE SAME ELECTION THE ONE RECEIVING THE LARGEST AFFIRMATIVE VOTE SHALL PREVAIL.

Section 60. A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by petitions signed by five per cent of the legal voters in each of two-thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.

The veto power of the governor shall not extend to measures referred to the

First paragraph from Section 57, sentences 4 and 5.

Second paragraph from Section 57, sentences 6, 7, 8, 9 and 10.

	people. All elections on measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure.	
	Section 61. THE TOTAL VOTE FOR GOVERNOR AT the GENERAL ELECTION LAST PRECEDING the filing of any initiative or referendum petition SHALL BE USED to determine the number of legal voters necessary to sign the petition. In submitting the same to the people the secretary of state and all other officers SHALL BE GOVERNED BY GENERAL LAWS.	Section 57, sentences 11 and 12 (omitting clause 1).
ARTICLE XV MODE OF AMENDING THE CONSTITUTION	ARTICLE XV MODE OF AMENDING THE CONSTITUTION	
Section 1. This Constitution may be revised and amended only in pursuance of the provisions of this article or as otherwise provided in this Constitution.	Section 1. This Constitution may be revised and amended ONLY AS THEREIN provided.	Section 1.
Section 2. The general assembly may, at any time, propose amendments to	Section 2. Constitutional amendments may be proposed at any time by	First paragraph from section 2, sentence 1.

this Constitution as a majority of the members elected to each house shall deem expedient, and the vote thereon shall be taken by yeas and nays, and entered on the journal. The amendments proposed, either by the general assembly or by initiative petition, shall be submitted to the electors of the state for their approval or rejection, by official ballot title as may be provided by law, on one independent and separate ballot without any emblem or party designation whatever, at the next general election, or at a special election called by the governor in his discretion prior to such general election, at which he may submit any one or more of such proposed amendments. No proposed amendment shall contain more than one amended and revised article of this Constitution or one new article which shall not contain more than one subject and matters properly connected therewith. Each proposed amendment shall be published once a week for four consecutive weeks next preceding such election, in at least one newspaper in each county of the state where a newspaper is published. If a majority of the electors of the state voting for and against any one of such amendments shall vote for such amendment, the same shall a majority of the members elect of each house of the general assembly, the vote to be taken by yeas and nays and entered on the journal.

All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this Constitution, or one new article which shall not contain more than one subject and matters properly connected therewith. IF POSSIBLE, each proposed amendment shall be published once a week for TWO CONSECUTIVE WEEKS IN TWO NEWSPAPERS OF DIFFERENT POLITICAL FAITH in each county, THE LAST PUBLICATION TO BE NOT MORE THAN THIRTY NOR LESS THAN FIFTEEN DAYS NEXT PRECEDING THE ELECTION. IF THERE BE BUT ONE NEWSPAPER IN ANY COUNTY, PUBLICATION FOR FOUR CONSECUTIVE WEEKS

Second paragraph from Section 2, sentences 2, 3, 4, 5 and 6.

Sections 11,677, 11,679 and 12,290 R. S. 1939.

become a part of the Constitution, and shall go into force and effect at the end of thirty days after such election. When more than one amendment shall be submitted at the same time they shall be so submitted as to enable the electors to vote on each amendment separately.

Section 3. The general assembly may at any time authorize by law that a vote of the electors of the state be taken upon the question, "Shall there be a convention to revise and amend the Constitution?" which shall be submitted to the electors on a separate ballot without party designation of any kind, at either a special or general election, as the general assembly may provide, and if a majority of the electors voting for and against the calling of a convention shall vote for a convention, the governor shall issue writs of election to the sheriffs of the different counties, ordering the election of delegates to the convention, on a day not less than three nor more than six months after that on which said question shall have been voted on. The electors of each senatorial district of the state, as then organized, shall elect two delegates as herein provided at such election, and the electors of the state voting at the

SHALL BE MADE. If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.

Section 3. At the general election on the first Tuesday following the first Monday in November 1962, and every twenty years thereafter, the secretary of state shall, and at any general or special election the general assembly by law may, submit to the electors of the state the question "Shall there be a convention to revise and amend the Constitution?". The question shall be submitted on a separate ballot without party designation, and if a majority of the votes cast thereon is for the affirmative, the governor SHALL CALL an election of delegates to the convention on a day not less than three nor more than six months after the election on the question. At the election the electors of the state shall elect fifteen delegates-at-large and the electors of each state senatorial district shall elect two delegates. Each delegate shall possess the qualifications of a senator; and no person holding any other office of

Sentences 1 and 2 from Section 4 and first part of sentence 1 of Section 3.
Remainder from rest of Section 3.

same election shall elect fifteen delegates-at-large, such election to be conducted as provided by law; and each delegate shall possess the qualifications of a senator; and no person holding any other office of trust or profit (national guard officers, school directors, justices of peace and notaries public excepted) shall be eligible to be elected a delegate to the convention nor during the term for which he shall have been elected or appointed. In order to secure representation from different political parties in each senatorial district, each political party as then authorized by law to make nominations for the office of state senator in each senatorial district shall nominate only one candidate for delegate from such senatorial district, and such candidate shall be nominated in such manner as may be prescribed by the senatorial committee of the respective parties, and a certificate of nomination shall be filed in the office of the secretary of state at least thirty days before such election, and such candidate shall be voted for, each on a separate ballot with emblem or party designation, and each elector shall have the right to vote for one of such candidates, and the two candidates receiving the highest number of votes in each senatorial trust or profit (officers of the organized militia, school directors, justices of the peace and notaries public excepted) shall be eligible to be elected a delegate. To secure representation from different political parties in each senatorial district, in the manner prescribed by its senatorial district committee each political party shall nominate but one candidate for delegate from each senatorial district, the certificate of nomination shall be filed in the office of the secretary of state at least thirty days before the election, each candidate shall be voted for on a separate ballot bearing the party designation, each elector shall vote for but one of the candidates, and the two candidates receiving the highest number of votes in each senatorial district shall be elected. Candidates for delegates-at-large shall be nominated by nominating petitions only, which shall be signed by electors of the state equal to five per cent of the legal voters in the senatorial district in which the candidate resides until otherwise provided by law, and shall be verified as provided by law for initiative petitions, and filed in the office of the secretary of state at least thirty days before the election. All such candidates shall be voted for on a separate ballot without

district shall be elected; and all candidates for delegates-at-large shall be nominated by nominating petitions only, which shall be filed in the office of the secretary of state at least thirty days before any such election and shall be verified in the same manner as may be provided by law for initiative petitions, and until otherwise provided by law such petitions shall be signed by electors of the state, equal in number to at least five percentum of the entire vote cast for governor at the last general election in the senatorial district in which such candidates reside; and all candidates for delegates-at-large shall be voted for upon one independent and separate ballot without any emblem or party designation whatever, and the fifteen candidates for delegates-at-large receiving the highest number of votes shall be elected. Not less than fifteen days before the election, the secretary of state shall certify to the county clerk of the county the name of each person nominated for the office of delegate from the senatorial district in which the county, or any part of it, is included, and the names of all persons nominated for delegates-at-large. The delegates so elected shall be convened by proclamation by the governor within six months party designation, and the fifteen receiving the highest number of votes shall be elected. Not less than fifteen days before the election, the secretary of state shall certify to the county clerk of the county the name of each person nominated for the office of delegate from the senatorial district in which the county, or any part of it, is included, and the names of all persons nominated for delegates-at-large.

The delegates so elected shall be convened at the seat of government by proclamation of the governor within six months after their election. THE FACILITIES OF THE LEGISLATIVE CHAMBERS AND LEGISLATIVE QUARTERS SHALL BE MADE AVAILABLE FOR THE CONVENTION AND THE DELEGATES. Upon convening all delegates shall take an oath or affirmation to support the Constitution of the United States and of the state of Missouri, and to discharge faithfully their duties as delegates to the convention, and shall receive for their services the sum of ten dollars per diem and mileage as provided by law for members of the general assembly. A majority of the delegates shall constitute a quorum for the transaction of business, and no Constitution or amendment to

after their election at the seat of government. Upon the convening of the convention all delegates shall take an oath or affirmation to support the constitution of the United States and of the state of Missouri, and to faithfully discharge their duties as delegates of the convention, and shall receive for their services the sum of ten dollars per diem and mileage as provided by law for members of the general assembly. A majority of the delegates of the convention shall constitute a quorum for the transaction of business, and no Constitution or amendment to this Constitution shall be submitted for approval or rejection to the electors of the state as herein provided, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation, and to provide for the printing of its documents, journals, proceedings and a record of its debates, and to appropriate money to pay for the expenditures incurred. The sessions of the convention shall be held with open doors, it shall determine the rules of its own proceedings, choose its this Constitution shall be submitted to the electors for approval or rejection unless by the assent of a majority of all delegates elect, the yeas and nays being entered on the journal. The convention may appoint such officers, employes and assistants as it may deem necessary, fix their compensation, provide for the printing of its documents, journals, proceedings and a record of its debates, and appropriate money for the expenditures incurred. The sessions of the convention shall be held with open doors, and it shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its delegates. In case of a vacancy by death, resignation or other cause, the vacancy shall be filled by the governor by the appointment of another delegate of the political party of the delegate causing the vacancy.

Any proposed Constitution of constitutional amendment adopted by the convention shall be submitted to a vote of the electors of the state at such time, in such manner and containing such separate and alternative propositions and on such official ballot as may be provided by the convention, at a special election not less than sixty days nor more than six months after the adjournment of the

own officers, and be the judge of the election, returns and qualifications of its delegates. In case of a vacancy, by death, resignation or other cause, of any delegate elected to the convention, such vacancy shall be filled by the governor by the appointment of another delegate from the same political party to which the delegate causing the vacancy belonged. Any proposed Constitution or constitutional amendments which shall have been adopted by such convention shall be submitted to a vote of the electors of the state in such manner and containing such separate and alternative propositions and on such official ballot as may be provided by such convention, at a special election, on a day to be therein fixed, not less than sixty days nor more than six months after the adjournment of the convention. Upon the approval of such Constitution or constitutional amendments in the manner provided in the last preceding section such Constitution or constitutional amendments shall go into force and effect at the end of thirty days after such election. The result of such election shall be made known by proclamation by the governor.

Section 4. The question "Shall there be a convention to revise and amend convention. Upon the approval of the Constitution or constitutional amendments the same shall take effect at the end of thirty days after the election. The result of the election shall be pro claimed by the governor.

the Constitution?" shall be submitted to the electors of the state at a special election to be held on the first Tuesday in August, one thousand nine hundred and twenty-one, and at each general election next ensuing the lapse of twenty successive years since the last previous submission thereof, and in case a majority of the electors voting for and against the calling of a convention shall vote for a convention, the governor shall issue writs of election to the sheriffs of the different counties, ordering the election of delegates, and the assembling of such convention, as is provided in the preceding section.

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FILE NO. 5

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

TWO NEW ARTICLES

Reported from the Committee on Public Health and Public Welfare and Federal Relations with Respect Thereto.—No. 17, February 8, 1944, with recommendation that the Committee Substitute for Proposals Nos. 23, 119, 167, 176, 185, 261, 272, 281, 288, 357, 376 be adopted; Proposal No. 221 as a Committee Substitute for Proposals Nos. 19, 285, and Section 1 of Proposal No. 298 be adopted; Proposal No. 210 without recommendation.

R. E. L. MARRS, Secretary.

Report of the Committee on Public Health and Public Welfare and Federal Relations with Respect Thereto, No. 17.

Mr. President:

We your Committee on Public Health and Public Welfare and Federal Relations with Respect Thereto, designated as Standing Committee No. 17, to which were referred Proposals Number 19, 23, 119, 167, 176, 185, 210, 221, 261, 272, 281, 285, 288, Section 1 of 298, 357 and 376, beg leave to report that we have diligently considered all of said proposals, and have given full opportunity to delegates and others to present their views with respect thereto.

COMMITTEE SUBSTITUTE

Your Committee, by a unanimous vote of nine members at our final meeting on Tuesday, February 1, 1944, offers as a Committee Substitute for Proposals Number 23, 119, 167, 176,

185, 261, 272, 281, 288, 357 and 376, the following (in sections 1 to 6 inclusive) and recommends that it be incorporated in the Constitution of Missouri as a separate article entitled, "Public Welfare".

PUBLIC WELFARE

Section 1. The General Assembly shall have power to provide for public health and sanitation, social security, public parks and recreation, pensions and retirements, and shall have power to establish and adequately maintain such educational, charitable, and reformatory institutions as the public welfare may require. Until otherwise provided by law, all existing public boards dealing with these subjects shall be maintained.

Section 2. The General Assembly may make appropriations for preserving and perpetuating memorials of the history of Missouri by means of parks, buildings, monuments, statues, paintings, and documents of historical value, and shall pass such laws as may be necessary to preserve places of historic or archaeological interest or of scenic beauty within the State, and for such purposes private property or the use thereof may be acquired by gift, purchase, or condemnation, or be subjected to reasonable regulation and control by law under the power of eminent domain.

Section 3. The General Assembly shall have power to provide by law, and any political subdivision or municipality shall have the power to provide by order or ordinance, for pensions, retirement funds, or employment or unemployment benefits, for employees of the state or of any political subdivision or municipality thereof, their widows and dependents, to be financed in whole or in part by the State, or by the political subdivision, or municipality, or by such employees, or by the Federal Government, or conjointly by any or all of them.

Section 4. The enumeration in this article of specified functions shall not be construed as a limitation upon the power of the State to exercise other functions that may promote the welfare of the people.

Section 5. Subject to the general laws of this State, the powers enumerated in this article shall extend to all local subdivisions of the State, acting independently or in conjunction with other local subdivisions or with other States or the Federal Government.

Section 6. The General Assembly shall provide for the establishment of such agencies as may be necessary and desirable to effect cooperation on the part of this State with the Federal Government and with other states of the Union, and it may appropriate such sums as may be necessary to pay its share of the cost of such joint activities.

FEDERAL AND STATE RELATIONS

Your Committee reports that Proposal No. 221, by Richard S. Righter, has been utilized as a Committee Substitute for Proposals Number 19, 285 and Section 1 of 298, and recommends that it become incorporated in the Constitution under the title, "Federal and State Relations", or other appropriate heading, as follows:

> No instrumentality, agency, or branch of the government of this State, shall have the right by any means, or for any purpose under any circumstances, to surrender, lessen, or diminish in any particular, the sovereign rights and powers of this State.

PROPOSAL NO. 210 BY DELEGATE O. C. TEE

Your Committee returns Proposal No. 210 by O. C. Tee without recommendation, it being the consensus of opinion of the Committee that it transcends the scope and range of our assignment.

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All proposals committed to us and specifically referred to in sections 1, 2, and 3 of this report, are returned herewith to the Convention.

Committee on Public Health and Public Welfare and Federal Relations with Respect Thereto, Number 17.

ISRAEL A. SMITH
C. S. DUNCAN
MRS. C. A. CROME
MRS. AMANDA D. HARGIS
LEWIS E. MEADOR
J. FRED KOENIG
A. G. TAUBERT
JOSEPH R. SLAY

The following member, though absent when final action was taken, hereby signifies his approval.

*M. E. GOUGE

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*With reservations as to Proposals Nos. 210 and 221.

Approved with reservations as to disposition of Proposal No. 221 (which is approved as to form only), and as to the disposition of Proposal No. 210, for the reason that such proposals are of no legal significance and may be positively harmful to the interest of the people of this State, and they should therefore be rejected.

CLEM F. STORCKMAN

STATEMENT
FEDERAL RELATIONS

It was thought by the Committee that Proposals Number 19, 210, 221, 285, and Section 1 of 298 concerning Federal Relations could properly have been referred to another committee;

but as the pressing questions regarding the National Government have largely developed with respect to Federal grants-in-aid, which obviously are public welfare matters, we concluded we should retain jurisdiction. We believe, however, that they should be considered and acted upon as separate matters.

PUBLIC WELFARE

The Supreme Court of Missouri has uniformly held that the power to legislate with respect to public health and public welfare has been derived from the provisions of Section 4 of of Article II of the present Bill of Rights, which is as follows:

> All Constitutional Government is intended to promote the general welfare of the people.

This section is in substance the same as Section 1 of Article I of the Constitution of 1865. There was no similar provision in the Constitution of 1820.

Notwithstanding there has been no separate article or section entitled "public health" or "public welfare" in the three Constitutions of Missouri, we note that in the Constitutional Conventions of 1875 and 1922 there were standing committees on "Public Health and Public Welfare". In the Convention of 1922, the Committee on Public Health and Welfare, of which Mrs. Walter McNab Miller, of Columbia, was chairman, reported the rapid development of public health agencies, state and local, "since the adoption of the 1875 Constitution," and very appropriately recommended the adoption of a specific section, as follows:

> The General Assembly shall provide means for the safeguarding and promotion of the public health and welfare.

This was adopted after changing the word "means" to the words "by law".

While there was extended debate on the question, showing the growing concern in public welfare matters, the only opposition was based mainly on the theory that the Supreme Court had liberally construed the "general welfare" clauses in the 1865 and 1875 Constitutions, and therefore specific provisions were not required. If, however, from 1875 to 1922 there had been such expansion of health and welfare agencies, local and state, as to warrant an increase of specific grants or power to the General Assembly, as the Convention of 1922 believed, it must be conceded that there is now much greater need of such grants because of the tremendous increase in the activities of both State and Nation in public and social welfare matters. The need has been universally recognized and authorities in the science of government are giving the general subject greater prominence than ever. This is clearly evidenced in the latest New York Constitution and in Constitutions recently adopted in other States.

The subject of Public Welfare resolves itself into a number of logical subdivisions. The Article in the New York Constitution on this subject is a very lengthy one, dealing with all aspects of the subject in considerable detail. Lack of precedent in our Constitution and the wide range of the proposals referred to us have presented a real challenge. Fortunately for the Convention and especially for the undersigned, the personnel of the Committee has been excellent, and he is happy to pay just tribute to the intelligence and learning of his associates. We believe the powers proposed in our Committee Substitute are adequately broad and sufficiently inclusive as to subject matter, with a minimum of risk of undesirable limitation through court interpretation.

If Montesquieu was correct in saying the best constitution is the one which best suits the genius of the people who have to live under it, we feel that what your Committee has presented

will be found to be in harmony with the character of our State and its traditions.

An examination of other State constitutions discloses that most of them make specific provisions for old age pensions or assistance, public relief, social security, state benevolence, boards or departments of health, public welfare, health and moral protection, unemployment assistance, public aid, necessaries of life, etc. In none of them, in our opinion, have general powers been granted in fewer words or been more aptly stated than in the substitute proposed by your Committee.

ISRAEL A. SMITH,
Chairman

The undersigned, a minority of the Committee on Public Health and Public Welfare and Federal Relations with respect thereto, No. 17, hereby respectfully submit to the Convention a Minority Report, as follows:

I. I concur in Delegate Clem F. Storckman's opposition to the inclusion of Proposals No. 221 and No. 210. I believe that Proposal No. 210 should be reported back to the Convention with the recommendation "Do Not Pass".

II. I have the following objections to the Article on Public Welfare, as submitted by the majority:

1. With reference to Section 1:

(a) A definition of the State's policy to provide for public health and the general welfare in general terms may be included more appropriately in constitutional law than the enumeration of specific grants of this power.

(b) The last sentence of Section 1 properly belongs in the Schedule and not in the Article on Public Welfare.

2. With reference to Section 3:

The provision as written is entirely too broad and constitutes an exceedingly dangerous grant of power. Under this

provision any city, school district, road district, or any "political subdivision" is given power to grant pensions, retirement funds, and employment benefits without limit.

3. Section 4 neither adds to nor detracts from the meaning of the Article and will only serve to lengthen and encumber the Constitution needlessly. The Tenth Amendment to the Constitution of the United States provides: "Powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people."

4. Section 5 should read: "Subject to other provisions of this Constitution and to the general laws of the State". Thus stated, the grant of power would not authorize a political subdivision to engage in the pensioning business without authority of statutory law.

In view of these several reservations with reference to the content of the Article on Public Welfare as offered by a majority of the Committee I recommend the adoption of the attached substitute.

SIGNATURE:

F. L. McCLUER

PUBLIC WELFARE

1. The health and general welfare of the people are
2 among the primary concerns of government. The General
3 Assembly of Missouri shall, therefore, have power to pro-
4 vide for public health and to promote the general welfare
5 and, subject to the other provisions of this Constitution,
6 is authorized to enact laws pursuant to these ends. It
7 shall have power to establish and adequately maintain such
8 institutions as the public health and welfare may require.
9 2. The General Assembly may make appropriations
10 for preserving and perpetuating memorials of the history
11 of Missouri by means of parks, buildings, monuments,

12 statues, paintings, and documents of historical value, and
13 pass such laws as may be necessary to preserve places of
14 historic or archaeological interest or of scenic beauty within
15 the State, and for such purposes private property or the
16 use thereof may be acquired by gift, purchase, or condemna-
17 tion and subjected to reasonable regulation and control.
18 3. The state shall have the power to provide for the
19 inspection by state departments, offices or agencies, and
20 in such manner as the legislature may determine, of all
21 private institutions and agencies in the state, whether incor-
22 porated or not incorporated, which are engaged in chari-
23 table, correctional, or health activities.
24 4. The General Assembly shall have power to provide
25 for the establishment of such agencies as may be necessary
26 and desirable to effect cooperation on the part of this state
27 with the federal government and with other states of the
28 Union, and it may appropriate such sums as may be neces-
29 sary to pay its share of the cost of such joint activities.
30 5. Subject to the other provisions of this Constitution
31 and the general laws of the State the powers enumerated
32 in this Article shall extend to all local subdivisions of the
33 State, acting independently or in conjunction with other
34 local subdivisions or with other states or the Federal Govern-
35 ment.

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FILE NO. 6

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLES A AND XIV.

Reported from the Committee on Agriculture and Conservation.—No. 15, February 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 105, 106, 145, 147, 200, 268, 308 pertaining to Conservation Commission, and 337 be adopted.

R. E. L. MARRS, Secretary.

REPORT OF COMMITTEE NO. 15, ON AGRICULTURE AND CONSERVATION

COMMITTEE SUBSTITUTE FOR PROPOSALS NOS. 105, 106, 145, 147, 200, 268, 308, pertaining to Conservation Commission and 337.

Mr. President:

Your Committee, No. 15, on Agriculture and Conservation, to which was referred Proposals Nos. 105, 106, 145, 147, 200, 268, 308, pertaining to Conservation Commission, and 337, begs leave to report that it has carefully considered the same and all other matters and communications referred to it, and as a substitute for and in lieu of all of said proposals, recommends its Committee Substitute as follows:

ARTICLE A
AGRICULTURE

Section 1. The general assembly shall provide for a
2 State Department of Agriculture with funds adequate for

3 the full development and conservation of agriculture, the
4 soil, mineral, water and such other natural resources of the
5 state as are not otherwise provided for in this Constitution.

(New Section. Substitute for Proposals Nos. 105, 147, and 337. "otherwise provided" clause inserted to keep wild life under Conservation Commission.)

Section 2. The general assembly may enact laws to
2 encourage forestry, to exempt from taxation, in whole or in
3 part, lands exclusively devoted to such purpose, and prevent
4 and suppress forest fires on private lands.

(New Section. Substitute for Proposals Nos. 106 and 268.)

REMARKS

Section 1. It is the feeling of the Committee on Agriculture and Conservation that the Constitution of Missouri should contain an article on agriculture. Under the present Constitution the legislature has authority to maintain a department of agriculture, which authority it has exercised in the past. The present Constitution, however, does not make it mandatory on the legislature to maintain such a department. It is also the thought of the committee that, in case a cabinet form of government is adopted, the principal administrative officer of the department of agriculture should be a member of the cabinet.

The proposal adopted by the committee leaves it to the legislature to determine whether administrative authority should be vested in a board appointed by the governor, with the board appointing the administrative director, or vested directly in a commissioner of agriculture or some other administrative director appointed by the governor.

Section 2. Leaves it to the general assembly to enact such laws as will encourage the development of lands of little general agricultural value but which are peculiarly adapted to the growing of timber. The forests of the Ozark area were at one time

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valuable sources of income. Every practical means should be employed to restore these forestry areas to their former position of economic importance.

ARTICLE XIV
CONSERVATION

Section 1. The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the State, including hatcheries, sanctuaries, refuges, reservations and all other property now owned or used for said purposes or hereafter acquired for said purposes and the acquisition and establishment of the same, and the administration of the laws now or hereafter pertaining thereto, shall be vested in a commission to be known as the CONSERVATION COMMISSION, to consist of four members to be appointed by the Governor, not more than two of whom shall be members of the same political party. The commissioners shall have knowledge of and interest in wildlife conservation. Vacancies shall be filled by appointment by the Governor for the unexpired term within thirty days from the date of such vacancy; on failure of the Governor to fill the vacancy within thirty days, the remaining commissioners shall fill the vacancy for the unexpired term. The first members of said commission shall be appointed for terms, as follows: one for a term of two years, or until his or her successor is appointed and qualified; two for terms of four years, or until their respective successors are appointed and qualified; one for a term of six years, or until his or her successor is appointed and qualified. Upon the expiration of each of the foregoing terms of said commissioners, a successor shall be appointed by the governor for a term of six years, or until his or her successor is appointed and qualified, which term of six years shall thereafter be the length of term of each member

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29 of said Commission. The members of said Commission shall
30 receive no salary or other compensation for their services as
31 such. The members of the Commission shall receive their
32 necessary traveling and other expenses incurred while
33 actually engaged in the discharge of their official duties.

(Without Change)

Section 2. Said Commission shall have the power to
2 acquire by purchase, gift, eminent domain, or otherwise, all
3 property necessary, useful or convenient for use of the Com-
4 mission, or the exercise of any of its powers hereunder, and
5 in the event the right of eminent domain is exercised, it
6 shall be exercised in the same manner as now or hereafter
7 provided for the exercise of eminent domain by the State
8 Highway Commission.

(Without Change)

Section 3. A Director of Conservation shall be ap-
2 pointed by the Commission and such director shall, with
3 the approval of the Commission, appoint such assistants
4 and other employees as the Commission may deem neces-
5 sary. The Commission shall determine the qualifications
6 of the director, all assistants and employees and shall fix
7 all salaries, except that no commissioner shall be eligible for
8 such appointment or employment.

(Without Change)

Section 4. The fees, monies, or funds arising from the
2 operation and transactions of said Commission and from the
3 application and the administration of the laws and regula-
4 tions pertaining to the bird, fish, game, forestry and wildlife
5 resources of the State and from the sale of property used for
6 said purposes, shall be expended and used by said Com-
7 mission for the control, management, restoration, conserva-
8 tion and regulation of the bird, fish, game, forestry and
9 wildlife resources of the State, including the purchase or

10 other acquisition of property for said purposes, and for the
11 administration of the laws pertaining thereto and for no
12 other purpose.

(Without Change)

Section 5. The general assembly may enact any laws
2 in aid of but not inconsistent with the provisions of this
3 article and all existing laws inconsistent herewith shall no
4 longer remain in force or effect. This article shall be self-
5 enforcing.

(Without change except of substitution of word "article" for "amendment" in line two and omission of "and go into effect on July 1, 1937".)

Section 6. The rules and regulations of the commission
2 not relating to its organization and internal management
3 shall become effective ten days after the same are filed with
4 the secretary of state, who shall furnish printed copies thereof
5 on request, and such final rules and regulations as are judicial
6 or quasi-judicial in nature affecting private rights shall be
7 subject to judicial review, all as otherwise provided in this
8 constitution.

(New section. To be in lieu of sections 7 and 8 in the event of submission of Constitution as one document).

Section 7. No rule or regulation made by the commis-
2 sion, except such as relates to the organization or internal
3 management of the commission, shall be effective until ten
4 (10) days after it is filed in the Office of the Secretary of
5 State. The Secretary of State shall supply printed copies
6 of such rules and regulations to persons making requests
7 for them.

(New section. With section 8 to be in lieu of section 6 in the event of separate submission of this article).

Section 8. All final decisions, orders, findings, rules,
2 and regulations of the commission, judicial or quasi-judicial

3 in nature and affecting private rights shall be subject to re-
4 view by the courts as shall be provided by law.

(New section. With section 7 to be in lieu of section 6 in the event of separate submission of this article).

(Article XIV is a substitute for Proposals Nos. 145, 200 and 308 pertaining to Conservation Commission.)

REMARKS

It is the thought of the Committee that the Conservation Section, as initiated and voted by the people, should be retained in its original form, except that a majority of the Committee voted to add a provision subjecting the rules and regulations of the Conservation Commission to Judicial Review.

Respectfully submitted,

R. E. KIRCHNER,
Chairman
REX H. MOORE
CHARLES M. SEYB
WILLIAM T. ROBINSON
JOE C. CRAIN
E. C. KEHR
M. E. GOUGE
C. P. DAMRON
JOE J. MANLOVE
CLAUDE ARNOLD
R. B. PETTS
O. D. DOWNES
*R. W. BROWN
*E. M. STAYTON
*J. A. HEMPHILL
*V. M. PITNEY
WADE W. MAUPIN

*Signed with reservation as to the necessity of any amendment.

FILE NO. 6

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLES A and XIV.

Reported from the Committee on Agriculture and Conservation.—No. 15, February 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 105, 106, 145, 147, 200, 268, 308 pertaining to Conservation Commission and 337 be adopted.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 16, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 7, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLES A AND XIV

DEPARTMENTS OF AGRICULTURE AND CONSERVATION

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 6 respectfully reports that it has examined the report of Committee No. 15 on Agriculture and Conservation, and all amendments thereto, and it herewith reports said file as adopted by the Convention on August 16, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

FILE NO. 6

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLES A and XIV

DEPARTMENTS OF AGRICULTURE AND CONSERVATION

As Adopted by the Convention

ARTICLE A

AGRICULTURE

Section 1. The general assembly shall provide the STATE Department of Agriculture with funds adequate for the full development and conservation of the agricultural resources of the state.

As Suggested by the Committee

ARTICLE A

DEPARTMENT OF AGRICULTURE

Section 1. The general assembly shall provide the department of agriculture with funds adequate for the full development and conservation of the agricultural resources of the state.

(Changes. Omission of capitalization and bold faced words.)

Note: This department is created in phraseology section 12 of File No. 16.

Section 2. The general assembly may enact laws to encourage forestry, and prevent and suppress forest fires on private lands.

ARTICLE XIV

CONSERVATION

Section 1. The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wild life resources of the State, including hatcheries, sanctuaries, refuges, reservations and all other property NOW owned or used for SAID purposes or HEREAFTER acquired FOR SAID PURPOSES and the acquisition and establishment OF THE SAME, and the administration of THE laws NOW OR HEREAFTER pertaining thereto, shall be vested in a commission TO BE KNOWN AS THE CONSERVATION COMMISSION, TO CONSIST of four members TO BE appointed by the Governor, not more than two of whom shall be MEMBERS of the same political party. The COMMISSIONERS shall have knowledge of and interest in wildlife conservation. VACANCIES

Section 2. The general assembly may enact laws to encourage forestry, and prevent and suppress forest fires on private lands.

(Changes. None.)

ARTICLE XIV

DEPARTMENT OF CONSERVATION

Section 1. The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes and the acquisition and establishment thereof, and the administration of all laws pertaining thereto, shall be vested in a conservation commission consisting of four members appointed by the governor, not more than two of whom shall be of the same political party. The members shall have knowledge of and interest in wildlife conservation. The members shall hold office for terms of six years beginning on the first day of July of consecutive odd years. Two of the terms shall be concurrent, one shall begin two years before

SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERM WITHIN THIRTY DAYS FROM THE DATE OF SUCH VACANCY; ON FAILURE OF the Governor to fill THE vacancy within thirty days, the remaining COMMISSIONERS shall fill the vacancy for the unexpired term. THE FIRST MEMBERS OF SAID COMMISSION SHALL BE APPOINTED FOR TERMS, AS FOLLOWS: ONE FOR A TERM OF TWO YEARS, OR UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND QUALIFIED; TWO FOR TERMS OF FOUR YEARS, OR UNTIL THEIR RESPECTIVE SUCCESSORS ARE APPOINTED AND QUALIFIED; ONE FOR A TERM OF SIX YEARS, OR UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND QUALIFIED. UPON THE EXPIRATION OF EACH OF THE FOREGOING TERMS OF SAID COMMISSIONERS, A SUCCESSOR SHALL BE APPOINTED BY THE GOVERNOR for a term of six years, OR UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND QUALIFIED, WHICH TERM OF SIX YEARS SHALL THEREAFTER BE THE LENGTH OF TERM OF EACH MEMBER OF SAID COMMISSION. The members OF and one two years after the concurrent terms. If the governor fail to fill a vacancy within thirty days, the remaining members shall fill the vacancy for the unexpired term. The members shall receive no salary or other compensation for their services as members, but shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

The members of the present conservation commission shall serve out the terms for which they were appointed, with all their powers and duties.

(Changes. Section rewritten with omission of capitalization and bold faced words.

Substitutions:

"such" for "said".
"thereof" for "of the same".
"all laws" for "the laws now or hereafter".
"consisting" for "to consist".
"members" for "commissioners" and "members of said Commission".
"If the governor fail etc" for "On failure of the Governor etc".

SAID COMMISSION shall receive no salary or other compensation for their services as SUCH. THE MEMBERS OF THE COMMISSION shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

"The members shall hold office etc" for "The first members of said commission shall be appointed for terms, as follows; etc."

Insertions:

"beginning on the first day of July of consecutive odd years".

(The terms of the present members of the Commission expire one in July 1945, two in July 1947, and one in July 1949. For use of "even year" see section 1 of Engrossed File No. 2).

"The members of the present conservation commission etc". (Last paragraph)

(Notes. Last paragraph could be provided for in the Schedule.

See phraseology section 4 of File No. 16, section 2 of File No. 13, and section 3 of File No. 7.)

Section 2. SAID Commission SHALL HAVE THE POWER TO acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful or convenient for USE OF THE COMMISSION, OR THE EXERCISE OF ANY OF ITS POWERS HEREUNDER, and IN THE EVENT THE RIGHT OF EMINENT DOMAIN IS EXER-

Section 2. The commission may acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful or convenient for its purposes, and shall exercise the right of eminent domain as provided by law for the highway commission.

(Changes. Section rewritten with omission of capitalization and bold faced words.

CISED, IT shall BE EXERCISED IN THE SAME MANNER AS NOW OR HEREAFTER PROVIDED FOR THE exercise of eminent domain BY the STATE Highway Commission.

Substitutions:

"The" for "said".

"may" for "shall have the power to".

"for its purposes" for "for use of the Commission, or the exercise of any of its powers hereunder".

"shall exercise the right of eminent domain" for "in the event the right of eminent domain is exercised it shall be exercised etc".

"as provided by law for the highway commission" for "in the same manner as now or hereafter provided for the exercise of eminent domain by the State Highway Commission".)

Section 3. A Director of Conservation shall BE appointed BY the Commission AND SUCH DIRECTOR shall, with the approval of the Commission, appoint SUCH assistants and other employees AS THE Commission MAY deem necessary. The Commission shall DETERMINE the qualifications of the director, all ASSISTANTS and employees and shall fix all salaries, EXCEPT that NO COMMISSIONER shall be ELIGIBLE FOR SUCH APPOINTMENT OR EMPLOYMENT.

Section 3. The commission shall appoint a director of conservation who, with its approval, shall appoint the assistants and other employees deemed necessary by the commission. The commission shall fix the qualifications and salaries of the director and all appointees and employees, and none of its members shall be an appointee or employee.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"The commission shall appoint a director" for "A Director * * * shall be appointed by the Commission".

"who, with its approval, shall appoint" for "and such director shall, with the approval of the Commission appoint".

"the assistants * * * deemed necessary by the commission" for "such assistants as the Commission may deem necessary".

"shall fix the qualifications and salaries of" for "shall determine the qualifications of * * * * and shall fix all salaries".

"and none of its members shall be an appointee or employee" for "except that no commissioner shall be eligible for such appointment or employment".)

(Note: See phraseology section 2 of File No. 13 and section 19 of File No. 16.)

Section 4. The fees, monies, or funds arising from the operation and transactions of SAID Commission and from the application and the administration of the laws and regulations pertaining to the

Section 4. The fees, monies, or funds arising from the operation and transactions of the commission and from the application and the administration of the laws and regulations pertaining to the bird,

bird, fish, game, forestry and wildlife resources of the State and from the sale of property used for said purposes, shall be expended and used by SAID Commission for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the State, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto and for no other purpose.

fish, game, forestry and wildlife resources of the state and from the sale of property used for said purposes, shall be expended and used by the commission for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto, and for no other purpose.

(Changes. Omission of capitalization and bold faced words.

Substitution of "the" for "said".)

Section 5. THE GENERAL ASSEMBLY MAY enact ANY laws in aid of BUT not inconsistent with THE PROVISIONS OF THIS ARTICLE AND all existing laws inconsistent herewith shall no longer remain in force or effect. This article shall be self-enforcing.

Section 5. Sections 1-4, inclusive, of this article shall be self enforcing, and laws not inconsistent therewith may be enacted in aid thereof. All existing laws inconsistent with this article shall no longer remain in force or effect.

(Changes. Omission of bold faced words.

Substitutions:

"Laws may be enacted in aid of etc." for "the general assembly may enact any laws in aid of".

"Sections 1-4, inclusive, of this article" for "this article".)

Section 6. The rules and regulations of the commission not relating to its organization and internal management shall become effective ten days after THE SAME ARE filed with the secretary of state, and such final rules and regulations as are judicial or quasi-judicial in nature affecting private rights shall be subject to the judicial review provided in this constitution.

Section 6. The rules and regulations of the commission not relating to its organization and internal management shall become effective not less than ten days after being filed with the secretary of state as provided in section 16 of File No. 16, and such final rules and regulations affecting private rights as are judicial or quasi-judicial in nature shall be subject to the judicial review provided in section 22 of File No. 15.

(Changes. Transposition of "affecting private rights".

Insertion of "not less than" to conform with phraseology section 16 of File No. 16.

Substitution of "after being filed" for "after the same are filed".)

(Notes: In its note to this section Committee No. 15 says that this section is to be in lieu of sections 7 and 8 of File No. 6 in the event of the submission of this Constitution as one document.

This section is covered by phraseology section 22 of File No. 15 and could be omitted on third reading in the event of submission as one document.)

Section 7. NO RULE OR REGULATION MADE BY THE COMMISSION, EXCEPT SUCH AS RELATE TO THE ORGANIZATION OR INTERNAL MANAGEMENT OF THE COMMISSION, SHALL BE EFFECTIVE UNTIL TEN (10) DAYS AFTER IT IS FILED IN THE OFFICE OF THE SECRETARY OF STATE. The commission shall supply printed copies of such rules and regulations to persons MAKING REQUESTS FOR THEM.

Section 8. All final decisions, orders, findings, rules, and REGULATIONS of the commission, judicial or quasi-judicial in nature and affecting pri-

Section 7. The commission shall supply to all persons on request, printed copies of its rules and regulations not relating to organization or internal management.

(Changes. Omission of capitalization, figures and bold faced words, and substitution of other words.

Section rewritten to conform with phraseology section 16 of File No. 16 by direction of the Convention, Journal of July 25, 1944, page 4.)

(Notes: In its note to this section Committee No. 15 says that this section and section 8 are to be in lieu of section 6 of File No. 6 in the event of separate submission of this article. The first sentence of this section is covered by phraseology section 16 of File No. 16 and has been omitted here because on August 24, 1944 the Convention decided to submit as one document. The words "not relating to organization or internal management" are substituted for "such" so that the second sentence can constitute the section in such event.)

(Notes: In its note to this section Committee No. 15 says that this section and section 7 are to be in lieu of section 6 of File No. 6 in the event of sepa-

vate rights shall be subject to direct review by the Courts as may be provided by law; and such review shall include the determination of whether the same are authorized by law, and in cases in which a hearing is required by law are supported by competent and substantial evidence upon the whole record.

rate submission of this article. This section is covered by phraseology section 22 of File No. 15 and has been omitted because on August 24, 1944 the Convention decided to submit this Constitution as one document.)

ALROY S. PHILLIPS
FRANK B. WILLIAMS
JAMES E. SATER
THOS. C. HENNINGS, SR.
HOWARD C. POTTER
RICHARD S. RIGHTER
ALLEN McREYNOLDS

ENGROSSED

FILE NO. 6

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLES A AND XIV.

Reported from the Committee on Agriculture and Conservation.—No. 15, February 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 105, 106, 145, 147, 200, 268, 308, pertaining to Conservation Commission and 337 be adopted.

Taken up August 16, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 16, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 7, 1944.

Read 2nd time September 19, 1944.

Report of Committe eon Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 16 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment, September 19, 1944.

Engrossed File No. 6 reported from the Committee on Phraseology, Arrangement and Engrossment September 19, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLES A and XIV

DEPARTMENTS OF AGRICULTURE AND CONSERVATION

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 6, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on September 19, 1944, and it herewith reports said file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 6

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLES A and XIV

DEPARTMENTS OF AGRICULTURE AND CONSERVATION

Present Constitution	Engrossed File	Origin
	ARTICLE A	
	DEPARTMENT OF AGRICULTURE	
	Section 1. **The general assembly shall provide the department of agriculture with funds adequate for administration of its functions; and shall enact such laws and provide such other appropriations as may be required to protect, foster and develop the agricultural resources of the state.**	New Section.
	Section 2. **The general assembly may enact laws to encourage forestry, and prevent and suppress forest fires on private lands.**	New Section.

ARTICLE XIV

MISCELLANEOUS PROVISIONS

Section 16. The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wild life resources of the State, including hatcheries, sanctuaries, refuges, reservations and all other property now owned or used for said purposes or hereafter acquired for said purposes and the acquisition and establishment of the same, and the administration of the laws now or hereafter pertaining thereto, shall be vested in a commission to be known as the Conservation Commission, to consist of four members to be appointed by the Governor, not more than two of whom shall be members of the same political party. The commissioners shall have knowledge of and interest in wild life conservation. Vacancies shall be filled by appointment by the Governor for the unexpired term within thirty days from the date of such vacancy; on failure of the Governor to fill the vacancy within thirty days, the remaining commissioners shall fill the vacancy for the unexpired term. The first members of said commission shall be appointed for terms, as follows:

ARTICLE XIV

DEPARTMENT OF CONSERVATION

Section 1. The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all **wildlife** resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes and the acquisition and establishment **thereof,** and the administration of all laws pertaining thereto, shall be vested in a conservation commission **consisting** of four members appointed by the governor, not more than two of whom shall be of the same political party. The **members** shall have knowledge of and interest in wildlife conservation. **The members shall hold office for terms of six years beginning on the first day of July of consecutive odd years. Two of the terms shall be concurrent, one shall begin two years before and one two years after the concurrent terms. If the governor fail** to fill a vacancy within thirty days, the remaining members shall fill the vacancy for the unexpired term. The members shall receive no salary or other compensation for their services as members, but shall

First paragraph from first six sentences of section 16. Last paragraph new.

consistent herewith shall no longer remain in force or effect. This amendment shall be self-enforcing and go into effect July 1, 1937.

Section 6. The rules and regulations of the commission not relating to its organization and internal management shall become effective not less than ten days after being filed with the secretary of state as provided in section 16 of File No. 16, and such final rules and regulations affecting private rights as are judicial or quasi-judicial in nature shall be subject to the judicial review provided in section 22 of File No. 15.

New section. See Section 16 of Engrossed File No. 16 and Section 22 of Engrossed File No. 15.

Section 7. The commission shall supply to all persons on request, printed copies of its rules and regulations not relating to organization or internal management.

New section. See Section 16 of Engrossed File No. 16.

ALROY S. PHILLIPS
Chairman

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FILE NO. 7

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE XIV

Reported from the Committee on Miscellaneous Provisions.—No. 20, February 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 38, 40, 92, Art. IX of 142, 216, 217, 249, 264, 324, 326 and 359 be adopted; Proposals Nos. 31, 32 be adopted; Proposals Nos. 27, 100, 115, 211, 220, 300, 301, 310, 330, 335, 349 be rejected.

R. E. L. MARRS, Secretary.

Mr. President:

Your Committee on Miscellaneous Provisions, No. 20, to which was referred Proposals Nos. 27, 31, 32, 38, 40, 92, 100, 115, Art. IX of 142, 211, 216, 217, 220, 249, 264, 300, 301, 310, 324, 326, 330, 335, 349, and 359, begs leave to report that it has carefully considered Proposals Nos. 38, 40, 92, Art. IX of 142, 216, 217, 249, 264, 324, 326, and 359, and as a substitute for and in lieu thereof and in lieu of Article XIV of the present Constitution, recommends its Committee Substitute as follows:

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

Section 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to bona fide purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons

residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.

(Same as Section 1 of present Constitution)

Section 2. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this State. Members of the organized militia or of the Reserve Corps excepted.

(Same as Section 4 of present Constitution, except that last sentence is new matter)

Section 3. In the absence of any contrary provision, all officers now or hereafter elected or appointed, subject to the right of resignation, shall hold office during their official terms, and until their successors shall be duly elected or appointed and qualified.

(Same as Section 5 of present Constitution)

Section 4. All officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.

(Same as Section 6 of present Constitution)

Section 5. The General Assembly shall, in addition to other penalties, provide for the removal from office of county, city, town, school, and township officers, appointive or elective, on conviction of willful, corrupt or fraudulent violation or neglect of official duty. Laws may be enacted to provide for the removal from office, for cause, of all

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public officers, not otherwise provided for in this Constitution.

(Same as Section 7 of present Constitution, except that the first sentence has been made more comprehensive)

Section 6. The compensation of State, county and municipal officers shall not be increased during their respective terms of office; nor shall the term of any office be extended for a longer period than that for which such officer was elected or appointed.

(Substance is same as Section 8 of present Constitution)

Section 7. The appointment of all officers not otherwise directed by this Constitution shall be made in such manner as may be prescribed by law.

(Same as Section 9 of present Constitution)

Section 8. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State.

(Same as present Section 10, except that last three and one-half lines have been deleted)

Section 9. It shall be the duty of the grand jury in each county, at least once a year, to investigate the official acts of all officers having charge of public funds, and report the result of their investigations, in writing, to the court.

(Same as Section 11 of present Constitution)

Section 10. Any public officer or employe of this State or of any political subdivision thereof who shall, by virtue of said office or employment, have the right to name or

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appoint any person to render service to the State or to any political subdivision thereof, and who shall name or appoint to such service any relative within the fourth degree, either by consanguinity or affinity, shall thereby forfeit his or her office or employment.

(Same as Section 13 of present Constitution)

Section 11. No agreement or understanding in restraint of competition in the rendition of any service or in restraint of trade or competition in the importation, transportation, manufacture, purchase or sale of any product, commodity, article or thing in this State shall be allowed, and the Legislature shall enact laws providing penalties for violation of these provisions. Provided this section shall not be construed to forbid nor affect the existence and operation of labor unions, or to forbid or restrain individual members of such organizations from carrying out the legitimate objects thereof.

(This is a Committee Substitute for Proposal No. 264)

Section 12. The maximum rate of interest which may be charged by written contract for the loan or forbearance of money shall be ten per cent (10%) discount per annum and such interest shall be in full compensation for the loan and no additional charges shall be made.

(This is Committee Substitute for Proposals Nos. 216, 217, 249, 324, 326, and 359)

Your Committee reports that careful consideration has been given to all other proposals referred to this Committee, and your Committee recommends:

That Proposal No. 27 do not pass,

That Proposal No. 31 DO PASS, (deletes Sec. 2 of present Constitution)

That Proposal No. 32 DO PASS, (deletes Sec. 3 of present Constitution)

That Proposal No. 100 do not pass,

That Proposal No. 115 do not pass,—(See further recommendation below)

That Proposal No. 211 do not pass,

That Proposal No. 220 do not pass,

That Proposal No. 300 do not pass,

That Proposal No. 301 do not pass,

That Proposal No. 310 do not pass,

That Proposal No. 330 do not pass,

That Proposal No. 335 do not pass,

That Proposal No. 349 do not pass.

This Committee makes no recommendation as to Sections 12, 14, and 16 of the present Constitution. Section 12 is being considered by the Committee on Legislative Department; Section 14 is being considered by the Committee on State Finance, and Section 16 is being considered by the Committee on Agriculture and Conservation.

Your Committee recommends that the special attention of the Committee on Phraseology, Arrangement and Engrossment be directed to Section 8 of this Committee's Substitute for Article XIV, for the reason that said Section 8, if adopted by the Convention, should be transferred to Article IV (3rd sub-division) of the Constitution dealing with Limitation on Legislative Power.

Your Committee recommends that if Proposal No. 115 is rejected by the Convention in accordance with this Committee's recommendation, then a printed copy of said Proposal No. 115 should be referred to His Excellency, The Governor of Missouri, with the information that this Convention considers it as dealing with legislative matter which should be submitted to him for his information and consideration.

All Proposals referred to this Committee are returned with this report.

Respectfully submitted,

*CLYDE C. COPE,
Chairman,

**ETHAN A. H. SHEPLEY
A. G. TAUBERT
A. EVAN HUGHES
*G. D. CLAYTON, Jr.
OLIVER D. DOWNES
*VANCE JULIAN
J. L. BABLER
**E. A. DUENSING
E. McDONALD STEVENS
JAMES P. FINNEGAN
MRS. C. A. CROME

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*Indicates dissent as to Sections 11 and 12.
**Indicates dissent as to Section 12.

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ENGROSSED

FILE NO. 7

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE XIV

Reported from the Committee on Miscellaneous Provisions.—No. 20, February 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 38, 40, 92, Art. IX of 142, 216, 217, 249, 264, 324, 326, and 359 be adopted; Proposals Nos. 31, 32 be adopted; Proposals Nos. 27, 100, 115, 211, 220, 300, 301, 310, 330, 335, 349 be rejected.

Taken up April 5, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment April 5, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment April 26, 1944.

Read 2nd time May 15, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 7 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment, May 15, 1944.

Engrossed File No. 7 reported from the Committee on Phraseology, Arrangement and Engrossment May 23, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE XIV

MISCELLANEOUS PROVISIONS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 7, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on May 15, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 7

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE XIV

MISCELLANEOUS PROVISIONS

Present Constitution	Engrossed File	Origin
ARTICLE XIV MISCELLANEOUS PROVISIONS	ARTICLE XIV MISCELLANEOUS PROVISIONS	
Section 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.	Section 1. The general assembly shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to bona fide purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing WITHOUT the state ever be taxed at a higher rate than lands belonging to persons residing within the state.	Section 1.
Section 2. No person shall be prosecuted in any civil action or criminal proceeding for or on account of any act		Omitted as recommended in Report Committee No. 20, page 4.

by him done, performed or executed between the first day of January, one thousand eight hundred and sixty-one, and the twentieth day of August, one thousand eight hundred and sixty-six, by virtue of military authority vested in him, or in pursuance of orders from any person vested with such authority by the government of the United States, or of this State, or of the late Confederate States, or any of them, to do such act. And if any action or proceedings shall have been or shall hereafter be instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.		
Section 3. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.		Omitted as recommended in Report Committee No. 20, page 5. (Note. Can be transferred to File No. 3.)
Section 4. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this State.	Section 2. No person holding an office of profit under the United States shall hold any office of profit IN this state, members of the organized militia or of the reserve corps excepted.	Section 4.
Section 5. In the absence of any contrary provision, all officers now or hereafter elected or appointed, subject	Section 3. EXCEPT AS PROVIDED IN THIS CONSTITUTION, and subject to the right of resignation, all	Section 5. (Note. Can be transferred to File No. 3.)

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to the right of resignation, shall hold office during their official terms, and until their successors shall be duly elected or appointed and qualified.	officers shall hold office for the term thereof, and until their successors are duly elected or appointed and qualified.	
Section 6. All officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.	Section 4. Before TAKING office, all civil and military officers IN this state shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean themselves faithfully in office.	Section 6.
Section 7. The General Assembly shall, in addition to other penalties, provide for the removal from office of county, city, town and township officers, on conviction of willful, corrupt or fraudulent violation or neglect of official duty. Laws may be enacted to provide for the removal from office, for cause, of all public officers, not otherwise provided for in this Constitution.	Section 5. LAWS SHALL BE ENACTED providing for penalties and for the removal from office of county, city, town, school, and township officers, appointive or elective, on conviction of willful, corrupt or fraudulent violation or neglect of official duty. EXCEPT as provided in this Constitution, laws may be enacted for the removal of all public officers for cause.	Section 7. (Note. Can be transferred to File No. 3.)
Section 8. The compensation or fees of no State, county or municipal officer shall be increased during his term of office; nor shall the term of any office be extended for a longer period than that for which such officer was elected or appointed.	Section 6. The compensation of state, county and municipal officers shall not be increased during the term of office; nor shall the term of any officer be extended.	Section 8.

Section 9. The appointment of all officers not otherwise directed by this Constitution shall be made in such manner as may be prescribed by law.	Section 7. Except as PROVIDED in this Constitution, the appointment of all officers shall be made as prescribed by law.	Section 9.
Section 10. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries, and all acts amendatory thereof or supplemental thereto, are hereby avoided.	Section 8. The general assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery.	Section 10. (Note: Committee No. 20 recommends transfer to File No. 17.)
Section 11. It shall be the duty of the grand jury in each county, at least once a year, to investigate the official acts of all officers having charge of public funds, and report the result of their investigations, in writing, to the court.		Stricken on motion. Journal March 28, 1944, page 7.
Section 12. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either		Omitted as recommended in Report Committee No. 20, page 5. Covered in Sec. 21 Report Committee No. 3 in File No. 17.

house they shall not be questioned in any other place.

Section 13. Any public officer or employe of this State or of any political subdivision thereof who shall, by virtue of said office or employment, have the right to name or appoint any person to render service to the State or to any political subdivision thereof, and who shall name or appoint to such service any relative within the fourth degree, either by consanguinity or affinity, shall thereby forfeit his or her office or employment.

Section 9. Any public officer or employe IN this state who BY VIRTUE OF his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment.

Section 13.

(Note. Can be transferred to File No. 3.)

Section 14. Kansas City may, from time to time, issue serial bonds to pay for public improvements which bonds shall be payable in annual installments, the first maturing to fall due in not more than three years and the last maturing in not more than forty years from issue: *Provided*, that the bonded indebtedness of the city shall not exceed the limits provided in this Constitution; *and provided further*, that such bonds shall be authorized by a vote in favor thereof of two-thirds of the electors of such city voting upon a proposition therefor submitted at a general or special election, called and held as now or may be provided by law.

Omitted as recommended in Report Committee No. 20, page 5. See Section 13 (a)-(f) and remarks on pages 9-10 Report Committee No. 11, File No. 14.

Section 15. Kansas City may assume the cost of constructing the Turkey Creek sewer and the Blue River sewer or either of them, and pay for the same, and refund assessments heretofore or hereafter collected on account of the same, out of the proceeds from the sale of bonds that may be authorized under the provisions of this article, for the respective purpose.

Omitted in Report Committee No. 20. Attention called to omission on debate. Journal April 5, 1944, page 6 shows adoption of file, as amended.

Section 16. The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wild life resources of the State, including hatcheries, sanctuaries, refuges, reservations and all other property now owned or used for said purposes or hereafter acquired for said purposes and the acquisition and establishment of the same, and the administration of the laws now or hereafter pertaining thereto, shall be vested in a commission to be known as the Conservation Commission, to consist of four members to be appointed by the Governor, not more than two of whom shall be members of the same political party. The commissioners shall have knowledge of and interest in wild life conservation. Vacancies shall be filled by appointment by the Governor for the unexpired

Omitted as recommended in Report Committee No. 20, page 5.

Covered by sections 1-5 Report Committee No. 15, pages 3-5, File No. 6.

term within thirty days from the date of such vacancy; on failure of the Governor to fill the vacancy within thirty days, the remaining commissioners shall fill the vacancy for the unexpired term. The first members of said commission shall be appointed for terms, as follows: one for a term of two years, or until his or her successor is appointed and qualified; two for terms of four years, or until their respective successors are appointed and qualified; one for a term of six years, or until his or her successor is appointed and qualified. Upon the expiration of each of the foregoing terms of said commissioners, a successor shall be appointed by the Governor for a term of six years, or until his or her successor is appointed and qualified, which term of six years shall thereafter be the length of term of each member of said Commission. The members of said Commission shall receive no salary or other compensation for their services as such. The members of the Commission shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. Said Commission shall have the power to acquire by purchase, gift, eminent domain, or otherwise, all property neces-

sary, useful or convenient for the use of the Commission, or the exercise of any of its powers hereunder, and in the event the right of eminent domain is exercised, it shall be exercised in the same manner as now or hereafter provided for the exercise of eminent domain by the State Highway Commission. A Director of Conservation shall be appointed by the Commission and such director shall, with the approval of the Commission, appoint such assistants and other employees as the Commission may deem necessary. The Commission shall determine the qualifications of the director, all assistants and employees and shall fix all salaries, except that no commissioner shall be eligible for such appointment or employment. The fees, monies, or funds arising from the operation and transactions of said Commission and from the application and the administration of the laws and regulations pertaining to the bird, fish, game, forestry and wild life resources of the State and from the sale of property used for said purposes, shall be expended and used by said Commission for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wild life resources of the State, including the purchase or other

acquisition of property for said purposes, and for the administration of the laws pertaining thereto and for no other purpose. The general assembly may enact any laws in aid of but not inconsistent with the provisions of this amendment and all existing laws inconsistent herewith shall no longer remain in force or effect. This amendment shall be self-enforcing and go into effect July 1, 1937.

Section 10. NO LAW SHALL BE VALID FIXING RATES OF INTEREST OR RETURN FOR THE LOAN OR USE OF MONEY, OR THE SERVICE OR OTHER CHARGES MADE OR IMPOSED IN CONNECTION THEREWITH, FOR ANY PARTICULAR GROUP OR CLASS ENGAGED IN LENDING MONEY. THE RATES OF INTEREST FIXED BY LAW SHALL BE APPLICABLE GENERALLY AND TO ALL LENDERS WITHOUT REGARD TO THE TYPE OR CLASSIFICATION OF THEIR BUSINESS.

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FILE NO. 8

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

PREAMBLE AND ARTICLES I AND II.

Reported from the Committee on Preamble, Boundaries, Bill of Rights and Distribution of Powers.—No. 2, February 14, 1944, with recommendation that the Committee Substitute for Proposals Nos. 24, 83, 108, 124, 126, Preamble and Articles I and II of 142, 183, 184, 198, 213, 222, 280, 340 be adopted; Proposals Nos. 46, 86, 98, 307, 325, 342, 346 be rejected.

R. E. L. MARRS, Secretary.

REPORT OF THE COMMITTEE ON PREAMBLE, BOUNDARIES, BILL OF RIGHTS AND DISTRIBUTION OF POWERS, NO. 2, FEBRUARY 14, 1944.

COMMITTEE SUBSTITUTE FOR PROPOSALS NOS. 24, 83, 108, 124, 126, Preamble and Articles I and II of 142, 183, 184, 198, 213, 222, 280 and 340.

Mr. President:

Your Committee, No. 2, on Preamble, Boundaries, Bill of Rights and Distribution of Powers, to which was referred Proposals Nos. 24, 83, 108, 124, 126, Preamble and Articles I and II of 142, 183, 184, 198, 213, 222, 280 and 340, begs leave to report that it has carefully considered the same, and as a substitute for and in lieu of all said Proposals recommends its Committee Substitute as follows:

PREAMBLE

We, the people of Missouri, with profound reverence
2 for the Supreme Ruler of the Universe, and grateful for His

3 goodness, do, for the better government of the State, estab-
4 lish this Constitution.
(No change)

ARTICLE I

BILL OF RIGHTS

IN ORDER TO ASSERT OUR RIGHTS, AC-
2 KNOWLEDGE OUR DUTIES, AND PROCLAIM THE
3 PRINCIPLES ON WHICH OUR GOVERNMENT IS
4 FOUNDED, WE DECLARE:
(No change)

Sec. 1. *Political power, origin of.*—That all political
2 power is vested in and derived from the people; that all
3 government of right originates from the people, is founded
4 upon their will only, and is instituted solely for the good of
5 the whole.
(No change)

Sec. 2. *Internal affairs, regulation of.*—That the people
2 of this State have the inherent, sole and exclusive right to
3 regulate the internal government and police thereof, and to
4 alter and abolish their Constitution and form of government
5 whenever they may deem it necessary to their safety and
6 happiness: Provided, Such change be not repugnant to the
7 Constitution of the United States.
(No change)

Sec. 3. *Local self-government not to be impaired.*—That
2 Missouri is a free and independent State, subject only to the
3 Constitution of the United States. The people of this State
4 will never assent to, nor is the Legislature authorized to vote
5 for the adoption or rejection of a proposed amendment of
6 the Constitution of the United States qualifying or affecting
7 the individual liberty of the people of the United States, or
8 which in any wise may impair the right of local self-govern-

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9 ment belonging to the people of this State. The right to
10 make such amendments is in the people.

(Section rewritten and intended as a Substitute for Proposal No. 83.)

Sec. 4. *Purpose of government—natural rights of per-*
2 *sons.*—That all constitutional government is intended to
3 promote the general welfare of the people; that all persons
4 have a natural right to life, liberty, the pursuit of happiness
5 and the enjoyment of the gains of their own industry; that
6 all men are created equal and are entitled to equal rights
7 and opportunity under the law; that to give security to these
8 things is the principal office of government, and that when
9 government does not confer this security, it fails in its chief
10 design.

(Former section amended by inserting the words "the pursuit of happiness" and "that all men are created equal and are entitled to equal rights and opportunity under the law." Intended as a Substitute for Proposal No. 124.)

Sec. 5. *Religious freedom—belief not to affect citizen—*
2 *liberty of conscience.*—That all men have a natural and in-
3 defeasible right to worship Almighty God according to the
4 dictates of their own conscience; that no person can, on
5 account of his religious opinion, be rendered ineligible to any
6 office of trust or profit under this State, nor be disqualified
7 from testifying or from serving as a juror; that no human
8 authority can control or interfere with the rights of con-
9 science, or with the right of any person to rely upon prayer
10 or spiritual means for mental or physical healing; that no
11 person ought, by any law, to be molested in his person or
12 estate, on account of his religious persuasion or profession;
13 but the liberty of conscience hereby secured shall not be
14 construed as to excuse acts of licentiousness, nor to justify

15 practices inconsistent with the good order, peace or safety
16 of this State, or with the rights of others.

(Section rewritten and intended as a Substitute for Proposal No. 340.)

Sec. 6. *Religion, individual support of not compulsory.*—
2 That no preference shall be given to nor any discrimination
3 made against any church, sect or creed of religion, or any
4 form of religious faith or worship, and that no person can be
5 compelled to erect, support or attend any place or system of
6 worship, or to maintain or support any priest, minister,
7 preacher or teacher of any sect, church, creed or denomina-
8 tion of religion, and no money shall ever be taken from the
9 public treasury, directly or indirectly in aid or support
10 thereof; but if any person shall voluntarily make a contract
11 for any such object, he shall be held to the performance of
12 the same.

(Former Sections 6 and 7 combined.)

Sec. 7. *Elections must be free and open.*—That all elec-
2 tions shall be free and open; and no power, civil or military,
3 shall at any time interfere to prevent the free exercise of the
4 right of suffrage.

(Former Section 9. No change)

Sec. 8. *Courts of justice must be open.*—That the courts
2 of justice shall be open to every person, and certain remedy
3 afforded for every injury to person, property or character,
4 and that right and justice should be administered without
5 sale, denial or delay.

(Former Section 10. No change except addition of "that" at the beginning.)

Sec. 9. *Security from search and seizure, requisites of*
2 *warrant.*—That the people shall be secure in their persons,
3 papers, homes and effects, from unreasonable searches and
4 seizures; and no warrant to search any place, or seize any

5 person or thing, shall issue without describing the place to
6 be searched, or the person or thing to be seized, as nearly
7 as may be; nor without probable cause, supported by oath
8 or affirmation reduced to writing.

(Former Section 11. No change)

Sec. 10. *Criminal prosecutions must be by indictment or*
2 *information.*—That no person shall be prosecuted criminally
3 for felony or misdemeanor otherwise than by indictment or
4 information, which shall be concurrent remedies, but this
5 shall not be construed to apply to cases arising in the land
6 or naval forces or in the militia when in actual service in
7 time of war or public danger, provided, this section shall
8 not be so construed as to prevent arrests and preliminary
9 examination in any criminal case.

(This is Proposal No. 198 adopted in lieu of former Section 12.)

Sec. 11. *Treason defined, no attainder, estates of suicides*
2 *not forfeited.*—That treason against the State can consist
3 only in levying war against it, or in adhering to its enemies,
4 giving them aid and comfort; that no person can be con-
5 victed of treason, unless on the testimony of two witnesses
6 to the same overt act, or on his confession in open court;
7 that no person can be attainted of treason or felony by the
8 General Assembly; that no conviction can work corruption
9 of blood or forfeiture of estate; that the estates of such per-
10 sons as may destroy their own lives shall descend or vest as
11 in cases of natural death; and when any person shall be
12 killed by casualty, there shall be no forfeture by reason
13 thereof.

(Former Section 13. No change)

Sec. 12. *Freedom of speech, press—libel, truth in justifi-*
2 *cation—duty of jury.*—That no law shall be passed impairing
3 the freedom of speech, no matter by what means com-

4 municated; that every person shall be free to say, write,
5 publish, or otherwise communicate whatever he will on any
6 subject, being responsible for all abuses of that liberty;
7 and that in all suits and prosecutions for libel the truth
8 thereof may be given in evidence, and the jury, under the
9 direction of the court, shall determine the law and the fact.
(Proposal No. 222 adopted in lieu of former Section 14.)

Sec. 13. *Ex post facto laws, etc., prohibited.*—That no
2 ex post facto law, nor law impairing the obligation of con-
3 tracts, or retrospective in its operation, or making any
4 irrevocable grant of special privileges or immunities, can
5 be passed by the General Assembly.
(Former Section 15. No change)

Sec. 14. *No imprisonment for debt.*—That imprison-
2 ment for debt shall not be allowed, except for the non-pay-
3 ment of fines and penalties imposed for violation of law.
(Former Section 16. No Change)

Sec. 15. *Right to bear arms, when.*—That the right of no
2 citizen to keep and bear arms in defense of his home, person
3 and property, or in aid of the civil power, when thereto
4 legally summoned, shall be called in question; but nothing
5 herein contained is intended to justify the practice of wear-
6 ing concealed weapons.
(Former Section 17. No change)

Sec. 16. *Officers to attend personally to duties.*—That no
2 person elected or appointed to any office or employment of
3 trust or profit under the laws of this State, or any ordinance
4 of any municipality in this State, shall hold such office
5 without personally devoting his time to the performance of
6 the duties to the same belonging.
(Former Section 18. No change)

Sec. 17. *Collectors, receivers, etc., in default, ineligible to*
2 *office.*—That no person who is now or may hereafter become

3 a collector or receiver of public money, or assistant or deputy
4 of such collector or receiver, shall be eligible to any office of
5 trust or profit in the State of Missouri under the laws thereof,
6 or of any municipality therein, until he shall have accounted
7 for and paid over all the public money for which he may be
8 accountable.

(Former Section 19. No change)

Sec. 18. *Private property not to be taken for private use—*
2 *exceptions—public use a judicial question.*—That no private
3 property can be taken for private use, with or without com-
4 pensation, unless by the consent of the owner, except for
5 private ways of necessity, and except for drains and ditches
6 across the lands of others for agricultural and sanitary
7 purposes, in such manner as may be prescribed by law; and
8 that whenever an attempt is made to take private property
9 for a use alleged to be public, the question whether the con-
10 templated use be really public shall be a judicial question,
11 and as such judicially determined, without regard to any
12 legislative assertion that the use is public.

(Former Section 20. No change)

Sec. 19. *Private property for public use—compensation.*—
2 That private property shall not be taken or damaged for
3 public use without just compensation. Such compensation
4 shall be ascertained by a jury or board of commissioners of
5 not less than three freeholders, in such manner as may be
6 provided by law; and until the same shall be paid to the
7 owners, or into court for the owner, the property shall not
8 be disturbed of the proprietary rights of the owners therein
9 divested. The fee of land taken for railroad tracks without
10 consent of the owner thereof shall remain in such owner
11 subject to the use for which it is taken.

12 The state or any political sub-division thereof may, in
13 connection with the taking of private property or the use of

14 private property for public use, in such manner and under
15 such limitations as may be provided by law, and cities oper-
16 ating under charter may in such manner and under such
17 limitations as may be provided by ordinance, condemn or
18 otherwise acquire an excess of that actually to be occupied
19 by the public improvement or used in connection therewith,
20 and when such property is so acquired the state or political
21 sub-division thereof acquiring such property shall be vested
22 with the fee simple title thereto and control of the use
23 thereof, and may sell such excess property acquired with
24 such restrictions as shall be appropriate to preserve the im-
25 provement made. Bonds may be issued to supply the funds
26 in whole or in part to pay for the excess property, of the use
27 thereof, so condemned or acquired, and such bonds, when
28 made a lien only against the property condemned or ac-
29 quired shall not be subject to the restrictions or limitations
30 on the amount of indebtedness of any such political sub-
31 division.

(First paragraph was former Section 21. Second paragraph is intended as a Substitute for Proposal No. 280.)

Sec. 20. *Rights of accused in criminal prosecutions.*—
2 That in criminal prosecutions the accused shall have the
3 right to appear and defend, in person and by counsel; to
4 demand the nature and cause of the accusation; to meet the
5 witnesses against him face to face; to have process to com-
6 pel the attendance of witnesses in his behalf; and a speedy
7 public trial by an impartial jury of the county. Provision
8 may be made by law to provide for the taking of depositions
9 within or without the state in all criminal causes and for the
10 use thereof at any trial, provided that where such deposi-
11 tions are taken by the state, the right of personal confronta-
12 tion and cross-examination of witnesses by the accused shall
13 be carefully preserved and the personal and traveling ex-

14 penses of the accused and his counsel shall be paid by the
15 state or county in such manner as may be provided by law.

(Former Section 22 rewritten as a Substitute for Proposal No. 183.)

Sec. 21. *Accused not compelled to testify—twice in*
2 *jeopardy, etc.*—That no person shall be compelled to testify
3 against himself in a criminal cause, nor shall any person
4 after being once acquitted by a jury, be again, for the same
5 offense, put in jeopardy of life or liberty; but if the jury to
6 which the question of his guilt or innocence is submitted
7 fail to render a verdict, the court before which the trial is
8 had may, in its discretion, discharge the jury and commit
9 or bail the prisoner for trial at the next term of court, or,
10 if the state of business will permit, at the same term; and
11 if judgment be arrested after a verdict of guilty on a defec-
12 tive indictment, or if judgment on a verdict of guilty be
13 reversed for error in law, nothing herein contained shall
14 prevent a new trial of the prisoner on a proper indictment, or
15 according to correct principles of law.

(Former Section 23. No change)

Sec. 22. *Bail, when allowed.*—That all persons shall be
2 bailable by sufficient sureties, except for capital offenses,
3 when the proof is evident or the presumption great.

(Former Section 24. No change)

Sec. 23. *Excessive bail and fines and unusual punish-*
2 *ment forbidden.*—That excessive bail shall not be required,
3 nor excessive fines imposed, nor cruel and unusual punish-
4 ment inflicted.

(Former Section 25. No change)

Sec. 24. *Habeas corpus.*—That the privilege of the
2 writ of habeas corpus shall never be suspended.

(Former Section 26. No change)

Sec. 25. *Military subordinate to civil power.*—That the
2 military shall always be in strict subordination to the civil
3 power; that no soldier shall, in time of peace, be quartered
4 in any house without the consent of the owner, nor in time
5 of war, except in the manner prescribed by law.

(Former Section 27. No change)

Sec. 26. *Trial by jury inviolate—majority verdicts—*
2 *grand jury, twelve men.*—That the right of trial by jury as
3 heretofore enjoyed shall remain inviolate; provided that a
4 jury for the trial of criminal and civil cases in courts not of
5 record may consist of less than twelve citizens as may be
6 prescribed by law; and provided that a two-thirds majority
7 of such number prescribed by law concurring may render a
8 verdict in all civil cases. In the trial by jury in all civil
9 cases in courts of record, three-fourths of the members of
10 the jury concurring may render a verdict. Hereafter, a
11 grand jury shall consist of twelve citizens, any nine of whom
12 concurring may find an indictment or a true bill: Provided,
13 however, that no grand jury shall be convened except upon
14 an order of a judge of a court having the power to try and
15 determine felonies; but when so assembled such grand jury
16 shall have power to investigate and return indictments for
17 all character and grades of crime. In every criminal case
18 any defendant may, with the assent of the Court, waive a
19 jury trial and submit the trial of such case to the court, whose
20 finding shall have the force and effect of a verdict of a jury.
21 No person shall be disqualified from jury service on account
22 of sex. Every citizen over the age of twenty-one years and
23 otherwise qualified, and not exempted by law, shall be

24 eligible for jury service unless otherwise shown upon exami-
25 nation at the trial.

(Former Section 28 rewritten as a Substitute for Proposals 126 and 184.)

Sec. 27. *Right to assemble and petition.*—That the people
2 have the right peaceably to assemble for their common
3 good, and to apply to those invested with the powers of
4 government for redress of grievances by petition or re-
5 monstrance.

(Former Section 29. No change)

Sec. 28. *Due process of law.*—That no person shall be
2 deprived of life, liberty or property without due process of
3 law.

(Former Section 30. No change)

Sec. 29. That no bureau, commission, board or other
2 administrative agency now existing or hereafter created
3 shall have the power to provide, create, enact or impose
4 any fine or imprisonment.

(This is an entirely new section.)

ARTICLE II
THE DISTRIBUTION OF POWERS

Three departments of government.—The powers of gov-
2 ernment shall be divided into three distinct departments—
3 the legislative, executive and judicial—each of which shall
4 be confided to a separate magistracy, and no person, or
5 collection of persons, charged with the exercise of powers
6 properly belonging to one of those departments, shall exer-
7 cise any power properly belonging to either of the others,
8 except in the instances in this Constitution expressly directed
9 or permitted.

(Former Article III. No changes)

U. OF ILL. LIB.

The Committee recommends that Proposals Nos. 46, 86, 98, 307, 325, 342 and 346 do not pass.

Respectfully submitted,

ISRAEL A. SMITH
*REX H. MOORE
*C. P. DAMRON
THOS. C. HENNINGS, SR.
*E. C. KEHR
MRS. C. A. CROME
P. M. MARR
Chairman

*With reservations as to the following clause in Section 5 of this report: "or with the right of any person to rely upon prayer or spiritual means for mental or physical healing."

MINORITY REPORT

I concur in all the above report except that I am in favor of Proposal No. 124.

ALROY S. PHILLIPS

REMARKS

Sections of the Constitution of 1875 in which no changes have been made are indicated in the report and only those sections in which changes have been made are commented upon herein.

Sec. 3. This section is a combination of Section 3 in the Constitution of 1875 into which has been incorporated the principles of Proposal No. 183. The following clause to wit:

"and as the preservation of the States and the maintenance of their governments are necessary to an indestructible Union, and were intended to co-exist with it"

appearing in the old section has been eliminated because the same idea is contained in the words which precede it and are merely an argument for the words which follow the first sentence.

The section removes from the legislature the power to adopt or reject a proposed amendment of the Constitution of the United States affecting individual liberty and asserts that the right to make such amendments is in the people. The section asserts the fundamental right of the people to make their own Constitution and express their will therein and it is practical because such an expression is a guide to Congress in determining whether it will submit a proposed amendment to the State legislatures or to the people themselves in State conventions assembled.

Sec. 4. The clause "all men are created equal" comes from the second paragraph of the Declaration of Independence as do the words, "life, liberty and the pursuit of happiness," are words of great Constitutional import, and the words, "and are entitled to equal rights and opportunity under the law", explain their meaning; and give to all persons of every race, color and creed equal rights and equal opportunity under the law without distinction on these or other grounds so that each individual may secure these rights according to his own ability. The law cannot give social equality to any person but it can and should assure its own equal application to all persons and afford them equal opportunity for economic security so that they may attain such social status as may follow from their own efforts under such equality.

Sec. 5. This section is the same as the former Section 5, except that after the words "rights of conscience," has been inserted the following, "or with the right of any person to rely upon prayer or spiritual means for mental or physical healing." This clause was included for the purpose of assuring religious freedom to any religious sect which relies upon prayer or spiritual means for mental or physical healing. The last clause of the section places proper limitations upon the liberty of conscience granted.

Sec. 6. This section is a combination and condensation of the former Sections 6 and 7 in the Constitution of 1875.

Sec. 10. This section is the same as Section 12 in the Constitution of 1875 to which has been added the proviso at the end. This proviso is the same in effect as Section 17 of the schedule of 1875 Constitution. It is lifted from said schedule and added to this section as the logical and proper place for it.

Sec. 12. To Section 14 of the Constitution of 1875 has been added the words, "no matter by what means communicated" and "or otherwise communicate". The section intends to broaden the old section so as to make it reach media of communication which have come into existence more recently and which may hereafter come into existence.

Sec. 19. All of Section 21 of the Constitution of 1875 has been adopted and appears as the first paragraph of the new section. To it has been added the second paragraph providing that the State or any political sub-division thereof may condemn an excess of property or the use of property as may be provided by law and cities operating under a charter as may be provided by ordinance. The limitations to be placed on the right by the legislature should adequately safeguard the right of the owners of private property.

Sec. 20. To Section 22 of the Constitution of 1875 has been added the right of the State to take depositions in criminal causes with the rights of the defendant carefully safeguarded.

Sec. 26. This keeps the present provisions as to the grand jury and right of trial by jury with the following changes:

1. In every criminal case the defendant may, with the assent of the court, waive a jury trial.

2. Women are given the right to serve on juries.

3. Every citizen over twenty-one years of age, unless exempted by law, is presumed to be eligible for jury service unless the opposite shall appear upon examination at the trial.

Sec. 29. This is a new section and is a declaration of principle which the committee felt is necessary to guarantee that the

power to impose fines and imprisonment will always remain with the legislative branch of our government.

ELIMINATIONS

Article I of the Constitution of 1875 dealing with boundaries has been eliminated entirely, also Sections 8, 31 and 32 of Article II of the Bill of Rights in said Constitution.

Regarding Article I on boundaries, neither the Model State Constitution nor Proposal No. 142 contain any provisions as to the boundaries of the State, and there is no proposal on the subject before the Convention. There are provisions as to state boundaries in the Constitutions of all of the 48 states except the 19 states of Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Virginia (eleven of the thirteen original states), and Kentucky, Louisiana, Maine, Nebraska, Ohio, Oklahoma, Texas and Vermont.

Under Section 10 of Article I and Section 3 of Article IV of the Constitution of the United States, no State shall enter into any compact or agreement with another State without the consent of Congress, and new states may be admitted by Congress into the Union, but no new state shall be formed within any other State, or by the junction of two or more states or parts of states without the consent of their legislatures as well as of Congress. Practically this means that no State can fix or change its boundaries, by agreement or otherwise, without the consent of Congress, and that the General Assembly, and not the people in their Constitution, is the proper body to fix the boundaries for the State.

The boundaries of Missouri are fixed by the Act of Congress of March 6, 1820, known here as The Enabling Act or Act of Admission, the Act of Congress of June 7, 1836, known as the Platte Purchase, and by decisions of the Supreme Court of the United States on the various disputes which have arisen over the boundaries of the State. This is why the first sentence of Section

1 of Article I of the Constitution of 1875 refers to the boundaries "as heretofore established by law" and does not describe them by metes and bounds, as does the Act of Admission and Article I of the Constitution of 1820. The Constitution of 1865 contains no provision on the boundaries of the State, but in paragraph II of Article XI recites the substance of the second proviso of Section 2 of the Act of Admission, which is further condensed in the second and last sentences of Section 1 of Article I of the Constitution of 1875. The first sentence of this article ratifies and confirms the boundaries as heretofore established by law. Section 2 of the Act of Admission required the State to "ratify the boundaries" set forth therein, and this was done in Article I of the Constitution of 1820. The Act of Congress of June 7, 1836 (5 Stat. 34) required the assent of the State to its provisions, which assent was given by our General Assembly by the Act of December 16, 1836 (Laws of Missouri of 1836 page 28). And in the Laws of Missouri of 1939, page 475 and the Laws of Iowa of 1939, page 413, will be found acts of the legislatures of these two states in the nature of a compact between the two states settling a boundary dispute to which Congress gave its consent by its Act of August 10, 1939 (53 Stat. L. 1345).

From the foregoing we draw the conclusion that with the consent of Congress the General Assembly has full power to enter into compacts concerning boundary disputes, and the formation of new states within or out of parts of the State, that the boundaries of the State are fixed by court decisions and by Congress and the General Assembly, and that there is no need for a constitutional provision on the subject. We have consulted with title experts, the Land Department and the attorney who is handling the present boundary dispute for the Attorney-General, all of whom concur in this view. We therefore recommend that the article on boundaries be omitted.

Section 8 of Article II of the Constitution of 1875 dealing with the right of religious corporations to hold title to real estate

was eliminated because a review of all the adjudicated cases reveals there is now no good reason why religious corporations should not be treated the same, and be subject to the same laws as all other corporations, and omitting the section will accomplish this purpose.

Section 31 of Article II of the Constitution of 1875 is eliminated because it refers to slavery and serves no useful purpose now.

Section 32 of Article II of the Constitution of 1875 was eliminated because it would be difficult to enumerate specifically the rights said section was intended to protect, hence considerable variation might result from its interpretation which has not been before our supreme court. If there were specific rights which should be protected, it would be preferable to list them in separate sections rather than in a general statement.

CONCLUSION

The above remarks are compiled from information given by various members of the committee and subcommittees in their discussions before the committee when we were considering these questions.

The chairman of the committee wishes to publicly express his sincere appreciation of the whole-hearted cooperation and work of each and every member of this committee in its deliberations and in the preparation of this report.

P. M. MARR, Chairman

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ENGROSSED

FILE NO. 8

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

PREAMBLE AND ARTICLES I AND II

Reported from the Committee on Preamble, Boundaries, Bill of Rights and Distribution of Powers.—No. 2, February 14, 1944, with recommendation that the Committee Substitute for Proposals Nos. 24, 83, 108, 124, 126, Preamble and Articles I and II of 142, 183, 184, 198, 213, 222, 280, 340 be adopted; Proposals Nos. 46, 86, 98, 307, 325, 342, 346 be rejected.

Taken up April 26, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment April 26, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment May 19, 1944.

Read 2nd time June 8, 1944. Report of Committee on Phraseology, Arrangement and Engrossment adopted. Rules suspended, File No. 8 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment, June 8, 1944.

Engrossed File No. 8 reported from the Committee on Phraseology, Arrangement and Engrossment June 15, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

PREAMBLE AND ARTICLES I AND II

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 8, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on June 8, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 8

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

PREAMBLE AND ARTICLES I AND II

Present Constitution	Engrossed File	Origin
PREAMBLE	PREAMBLE	
We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do, for the better government of the State, establish this Constitution.	We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do establish this Constitution for the better government of the state.	Present Constitution.
ARTICLE I	ARTICLE I	
BOUNDARIES	BOUNDARIES	
Section 1. The boundaries of the State, as heretofore established by law, are hereby ratified and confirmed. The State shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the State, so far as the said rivers shall form a common boundary to this State and any other State or States; and the river Mississippi and the navigable rivers		Omitted as recommended in Report of Committee No. 2 on Preamble, Boundaries, Bill of Rights and Distribution of Powers. File No. 8, pages 15-16.

and waters leading to the same shall be common highways, and forever free to the citizens of this State and of the United States, without any tax, duty, impost or toll therefor, imposed by this State.

ARTICLE II

BILL OF RIGHTS

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare:

Section 1. That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 2. That the people of this State have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness: *Provided*, Such change be

ARTICLE I

BILL OF RIGHTS

Present Constitution.

IN ORDER TO ASSERT OUR RIGHTS, ACKNOWLEDGE OUR DUTIES, AND PROCLAIM THE PRINCIPLES ON WHICH OUR GOVERNMENT IS FOUNDED, WE DECLARE:

Section 1.

Section 1. That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 2.

Section 2. That the people of this state have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness, provided such change be

not repugnant to the Constitution of the United States.

Section 3. That Missouri is a free and independent State, subject only to the Constitution of the United States; and as the preservation of the States and the maintenance of their governments are necessary to an indestructible Union, and were intended to co-exist with it, the Legislature is not authorized to adopt, nor will the people of this State ever assent to any amendment or change of the Constitution of the United States which may in anywise impair the right of local self-government belonging to the people of this State.

Section 4. That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty and the enjoyment of the gains of their own industry; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails of its chief design.

not repugnant to the Constitution of the United States.

Section 3. That Missouri is a free and independent state, subject only to the Constitution of the United States; THAT ALL PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES QUALIFYING OR AFFECTING THE INDIVIDUAL LIBERTIES OF THE PEOPLE OR WHICH in any wise may impair the right of local self-government belonging to the people of this state, SHOULD BE SUBMITTED TO CONVENTIONS OF THE PEOPLE.

Section 4. That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty, THE PURSUIT OF HAPPINESS and the enjoyment of the gains of their own industry; THAT ALL PERSONS ARE CREATED EQUAL AND ARE ENTITLED TO EQUAL RIGHTS AND OPPORTUNITY UNDER THE LAW; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails in its chief design.

Plain type matter from Section 3. Bold faced matter new. See U. S. Const., Article V. Hawk v. Smith 253 U. S. 221, 231. National Prohibition Cases, 253 U. S. 350. Dillon v. Gloss, 256 U. S. 368, Leser v. Garnett, 258 U. S. 130. U. S. v. Sprague, 282 U. S. 716.

Plain type matter from Section 4. All except last part bold faced matter from Declaration of Independence.

Section 5. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of this State, or with the rights of others.

Section 5. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own CONSCIENCES; that no human authority can control or interfere with the rights of conscience; that no person SHALL, on account of his religious persuasion or belief, be rendered ineligible to any PUBLIC office of trust or profit IN this state, be disqualified from testifying or serving as a juror, or be molested in his person or estate; but this section shall not be construed to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the state, or with the rights of others.

Section 5.

Section 6. That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher or teacher of any sect, church, creed or denomination of religion; but if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same.

Section 6. That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher or teacher of any sect, church, creed or denomination of religion; but if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same.

Section 6.

Section 7. That no money shall ever be taken from the public treasury,

Section 7. That no money shall ever be taken from the public treasury,

Section 7.

directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.	directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.	
Section 8. That no religious corporation can be established in this State, except such as may be created under a general law for the purpose only of holding the title to such real estate as may be prescribed by law for church edifices, parsonages and cemeteries.		Omitted as recommended in Report of Committee No. 2, File No. 8, pages 16-17. See Tennett v. Taylor, 9 Cranch (13 U. S.) 43, 46, 48-49. Mason v. Muncaster, 9 Wheat (22 U. S.) 445, 460. Zollman on American Church Law (1933), pages 61-62, 63, 64, and 65. See also Missouri cases cited under this Section.
Section 9. That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.	Section 8. That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.	Section 9.
Section 10. The courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice should be administered without sale, denial or delay.	Section 9. That the courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice shall be administered without sale, denial or delay.	Section 10.
Section 11. That the people shall be secure in their persons, papers, homes	Section 10. That the people shall be secure in their persons, papers, homes	Section 11.

and effects, from unreasonable searches and seizurers; and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by oath or affirmation reduced to writing.	and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by WRITTEN oath or affirmation.	
Section 12. No person shall be prosecuted criminally for felony or misdemeanor otherwise than by indictment or information, which shall be concurrent remedies, but this shall not be construed to apply to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger.	Section 11. THAT no person shall be prosecuted criminally for felony or misdemeanor otherwise than by indictment or information, which shall be concurrent remedies, but this shall not be APPLIED to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger, NOR TO PREVENT ARRESTS AND PRELIMINARY EXAMINATION IN ANY CRIMINAL CASE.	All except last clause from Section 12. Last clause from Section 17 of Schedule of 1875.
Section 13. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or	Section 12. That treason against the state can consist only in levying war against it, or in adhearing to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the general assembly; that no conviction can work corruption of blood or	Section 13.

forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there shall be no forfeiture by reason thereof.	forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there shall be no forfeiture by reason thereof.	
Section 14. That no law shall be passed impairing the freedom of speech; that every person shall be free to say, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.	Section 13. That no law shall be passed impairing the freedom of speech, NO MATTER BY WHAT MEANS COMMUNICATED; that every person shall be free to say, write, publish, OR OTHERWISE COMMUNICATE whatever he will on any subject, being responsible for all ABUSES of that liberty; and that in all suits and prosecutions for slander or libel the truth thereof may be given in evidence.	Plain type matter from Section 14.
Section 15. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be passed by the General Assembly.	Section 14. That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be ENACTED.	Section 15.
Section 16. That imprisonment for debt shall not be allowed, except for the non-payment of fines and penalties imposed for violation of law.	Section 15. That no person shall be imprisoned for debt, except for non-payment of fines and penalties imposed by law.	Section 16 rewritten.
Section 17. That the right of no citizen to keep and bear arms in defense of his home, person and property, or	Section 16. That the right of every citizen to keep and bear arms in defense of his home, person and property, or	Section 17 rewritten.

in aid of the civil power, when thereto legally summoned, shall be called in question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.	when lawfully summoned in aid of the civil power, shall not be questioned; but this shall not justify the wearing of concealed weapons.	
Section 18. That no person elected or appointed to any office or employment of trust or profit under the laws of this State, or any ordinance of any municipality in this State, shall hold such office without personally devoting his time to the performance of the duties to the same belonging.		Stricken on motion, Journal, April 11, 1944, page 4.
Section 19. That no person who who is now or may hereafter become a collector or receiver of public money, or assistant or deputy of such collector or receiver, shall be eligible to any office of trust or profit in the State of Missouri under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all the public money for which he may be accountable.		Stricken on Motion, Journal, April 11, 1944, page 4.
Section 20. That no private property can be taken for private use, with or without compensation, unless by the consent of the owner, except for private ways of necessity, and except for drains and ditches across the lands of others	Section 17. That private property shall not be taken for private use with or without compensation, unless by consent of the owner, except for private ways of necessity, and except for drains and ditches across the lands of others	Section 20 rewritten.

for agricultural and sanitary purposes, in such manner as may be prescribed by law; and that whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and as such judicially determined, without regard to any legislative assertion that the use is public.

Section 21. That private property shall not be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury or board of commissioners of not less than three freeholders, in such manner as may be prescribed by law; and until the same shall be paid to the owner, or into court for the owner, the property shall not be disturbed or the proprietary rights of the owner therein divested. The fee of land taken for railroad tracks without consent of the owner thereof shall remain in such owner, subject to the use for which it is taken.

for agricultural and sanitary purposes, in the manner prescribed by law; and that when an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be judicially determined without regard to any legislative declaration that the use is public.

Section 18. That private property shall not be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury or board of commissioners of not less than three freeholders, in such manner as may be provided by law; and until the same shall be paid to the owner, or into court for the owner, the property shall not be disturbed or the proprietary rights of the owner therein divested. The fee of land taken for railroad purposes without consent of the owner thereof shall remain in such owner subject to the use for which it is taken.

Section 21.

Section 19. THAT IN SUCH MANNER AND UNDER SUCH LIMITATIONS AS MAY BE PROVIDED BY LAW, THE STATE, OR ANY COUNTY OR CITY MAY ACQUIRE

New.

BY EMINENT DOMAIN SUCH PROPERTY, OR RIGHTS IN PROPERTY, IN EXCESS OF THAT ACTUALLY TO BE OCCUPIED BY THE PUBLIC IMPROVEMENT OR USED IN CONNECTION THEREWITH, AS MAY BE REASONABLY NECESSARY TO EFFECTUATE THE PURPOSES INTENDED, AND MAY BE VESTED WITH THE FEE SIMPLE TITLE THERETO, OR THE CONTROL OF THE USE THEREOF, AND MAY SELL SUCH EXCESS PROPERTY WITH SUCH RESTRICTIONS AS SHALL BE APPROPRIATE TO PRESERVE THE IMPROVEMENTS MADE.

Section 22. In criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy, public trial by an impartial jury of the county.

Section 20. THAT in criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county.

First paragraph from Section 22.

UPON A HEARING AND FINDING BY THE CIRCUIT COURT IN ANY CASE WHEREIN THE ACCUSED IS CHARGED WITH A FEL-

Second Paragraph new.

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ONY, THAT IT IS NECESSARY TO TAKE THE DEPOSITION OF ANY WITNESS WITHIN THE STATE, OTHER THAN DEFENDANT AND SPOUSE, IN ORDER TO PRESERVE THE TESTIMONY, AND ON CONDITION THAT THE COURT MAKE SUCH ORDERS AS WILL FULLY PROTECT THE RIGHTS OF PERSONAL CONFRONTATION AND CROSS-EXAMINATION OF THE WITNESS BY DEFENDANT, THE STATE MAY TAKE THE DEPOSITION OF SUCH WITNESS AND EITHER PARTY MAY USE THE SAME AT THE TRIAL, AS IN CIVIL CASES, PROVIDED THERE HAS BEEN SUBSTANTIAL COMPLIANCE WITH SUCH ORDERS. THE REASONABLE PERSONAL AND TRAVELING EXPENSES OF DEFENDANT AND HIS COUNSEL SHALL BE PAID BY THE STATE OR COUNTY AS PROVIDED BY LAW.

Section 23. That no person shall be compelled to testify against himself in a criminal cause, nor shall any person, after being once acquitted by a jury, be again, for the same offense, put in jeopardy of life or liberty; but if the jury to which the question of his guilt

Section 21. That no person shall be compelled to testify against himself in a criminal cause, nor shall any person be put again in jeopardy of life or liberty for the same offense, after being once acquitted by a jury; but if the jury fail to render a verdict the court

Section 23 rewritten.

or innocence is submitted fail to render a verdict, the court before which the trial is had may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the next term of court, or, if the state of business will permit, at the same term; and if judgment be arrested after a verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment, or according to correct principles of law.	may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the same or next term of court; and if judgment be arrested after a verdict of guilty on a defective indictment or information, or if judgment on a verdict of guilty be reversed for error in law, the prisoner may be tried anew on a proper indictment or information, or according to the law.	
Section 24. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.	Section 22. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.	Section 24
Section 25. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.	Section 23. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.	Section 25.
Section 26. That the privilege of the writ of *habeas corpus* shall never be suspended.	Section 24. That the privilege of the writ of habeas corpus shall never be suspended.	Section 26.
Section 27. That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor	Section 25. That the military shall be always in strict subordination to the civil power; that no soldier shall be quartered in any house without the consent of the owner in time of peace,	Section 27.

in time of war, except in the manner prescribed by law.

Section 28. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but a jury for the trial of criminal or civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law; and that a two-thirds majority of such number prescribed by law concurring may render a verdict in all civil cases. And that in the trial by jury of all civil cases in courts of record, three-fourths of the members of the jury concurring may render a verdict. Hereafter, a grand jury shall consist of twelve men, any nine of whom concurring may find an indictment or a true bill: *Provided, however*, that no grand jury shall be convened except upon an order of a judge of a court having the power to try and determine felonies; but when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime.

nor in time of war, except as prescribed by law.

Section 26. THAT the right of trial by jury as heretofore enjoyed shall remain inviolate; provided that a jury for the trial of criminal and civil cases in courts not of record may consist of less than twelve CITIZENS as may be prescribed by law, and a two-thirds majority of such number concurring may render a verdict in all civil cases; that in all civil cases in courts of record, three-fourths of the members of the jury concurring may render a verdict; AND THAT IN EVERY CRIMINAL CASE ANY DEFENDANT MAY, WITH THE ASSENT OF THE COURT, WAIVE A JURY TRIAL AND SUBMIT THE TRIAL OF SUCH CASE TO THE COURT, WHOSE FINDING SHALL HAVE THE FORCE AND EFFECT OF A VERDICT OF A JURY.

NO CITIZEN SHALL BE DISQUALIFIED FROM JURY SERVICE BECAUSE OF SEX, BUT THE COURT SHALL EXCUSE ANY WOMAN WHO REQUESTS EXEMPTION THEREFROM BEFORE BEING SWORN AS A JUROR.

Plain type matter from Section 28 as rewritten. For matter in section 28 on grand juries see section 27 of Engrossed File.

	Section 27. That a grand jury shall consist of twelve CITIZENS, any nine of whom concurring may find an indictment or a true bill; provided, that no grand jury shall be convened except upon an order of a judge of a court having the power to try and determine felonies; but when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime; AND THAT THE POWER OF GRAND JURIES TO INQUIRE INTO THE WILLFUL MISCONDUCT IN OFFICE OF PUBLIC OFFICERS, AND TO FIND INDICTMENTS IN CONNECTION THEREWITH, SHALL NEVER BE SUSPENDED.	Plain type matter from last part of Section 28.
Section 29. That the people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.	Section 28. That the people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.	Section 29.
Section 30. That no person shall be deprived of life, liberty or property without due process of law.	Section 29. That no person shall be deprived of life, liberty or property without due process of law.	Section 30.
Section 31. That there cannot be in this State either slavery or involuntary servitude, except as a punishment		Omitted as recommended in Report of Committee No. 2, File No. 8, page 17.

for crime, whereof the party shall have been duly convicted.

Section 32. The enumeration in this Constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.

Omitted as recommended in Report of Committee No. 2, File No. 8, page 17.

Section 30. THAT NO LAW SHALL DELEGATE TO ANY COMMISSION, BUREAU, BOARD OR OTHER ADMINISTRATIVE AGENCY AUTHORITY TO MAKE ANY RULE FIXING A FINE OR IMPRISONMENT AS PUNISHMENT FOR ITS VIOLATION.

New.

ARTICLE III

THE DISTRIBUTION OF POWERS

The powers of government shall be divided into three distinct departments—the legislative, executive and judicial—each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted.

ARTICLE II

THE DISTRIBUTION OF POWERS

The powers of government shall be divided into three distinct departments—the legislative, executive and judicial—each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted.

Article III

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FILE NO. 9

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE XII

Reported from the Committee on Corporations and Industry.—No. 13, February 16, 1944, with recommendation that the Committee Substitute for Proposals Nos. 82, 132, 133, 134, 136, Art. VIII of 142, 144, 179, 227, 230, 231, 297, 299, 318 be adopted; Proposals Nos. 59, 287, 306. 329 be rejected; Proposals Nos. 81, 240 withdrawn by author.

R. E. L. MARRS, Secretary.

ARTICLE XII

Report of Committee on Corporations and Industry—No. 13

Mr. President:

Your committee on Corporations and Industry to which was referred Proposals Nos. 82, 132, 133, 134, 136, Article VIII of 142, 144, 179, 227, 230, 231, 297, 299 and 318 begs leave to report that it has carefully considered all of said proposals and as a substitute for and in lieu of all above numbered proposals, recommends its committee substitute as follows:

ARTICLE XII
CORPORATIONS

Section 1. The term *corporation*, as used in this Article,
2 shall be construed to include all joint stock companies or
3 associations having any powers or privileges not possessed
4 by individuals or partnerships.

(Same as Section 11, present Constitution.)

Section 2. The General Assembly shall provide for the organization of corporations by general law. No corporation shall be created by special laws, but only by or under general laws, nor shall any existing charter be extended, changed or amended by special laws. No law shall be passed remitting the forfeiture of the charter of any corporation created by special act. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place, and business commenced in good faith and doing business at the adoption of this Constitution, shall hereafter have no validity.

(Sections 1, 2 and 3 of present Constitution in substance but re-worded.)

Section 3. All laws heretofore or hereafter passed by the General Assembly for the creation of, relating to, or conferring rights and privileges upon corporations may be altered, amended, or repealed, and such laws so altered, amended, or repealed shall apply to existing corporations as well as corporations subsequently organized, provided, however, that no such alteration, amendment, or repeal shall impair rights or privileges vested prior to the adoption of this Constitution.

(New section.)

Section 4. The exercise of the police power of the State shall never be surrendered, abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

(Same as Section 5, present Constitution.)

Section 5. The exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already

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organized, or that may be hereafter organized, and subjecting them to the public use, the same as that of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when in the exercise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

(Same as Section 4, present Constitution.)

Section 6. No corporation shall engage in business other than that expressly authorized in its charter or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate except such as may be necessary and proper for carrying on its legitimate business and except such real estate as may be acquired in satisfaction of a debt, whether through foreclosure or otherwise, and such as may be taken in exchange for such real estate, all of which may be held for a period of not to exceed ten years and for such longer period as may be authorized by the General Assembly.

(Same as Section 7 of old Constitution, with the following words added:

"And except such real estate as may be acquired in satisfaction of a debt, whether through foreclosure or otherwise, and such as may be taken in exchange for such real estate, all of which may be held for a period of not to exceed ten years and for such longer period as may be authorized by the General Assembly.")

Section 7. In all elections for directors or managers of any incorporated company, each shareholder shall have the right to cast as many votes in the aggregate as shall equal the number of shares so held by him or her in said company, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy

for one candidate, or distribute such votes among two or more candidates; and such directors or managers shall not be elected in any other manner.

(Same as Section 6, present Constitution.)

Section 8. No corporation shall issue stock or issue bonds or other obligations for the payment of money, except for money paid, labor done or property actually received; and all fictitious issues or increases of stock or indebtedness shall be void; provided, however, that any such issue or increases may be made for valid bona fide antecedent debts without the same being deemed fictitious and void. The stock or bonded indebtedness of corporations shall not be increased nor shall preferred stock be issued, except in pursuance of general law.

(Same in substance as old Section 8 and Section 10 of present Constitution except that specific time of notice of meetings of stockholders and percentage of voting stock for issuance of preferred stock in old Sections 8 and 10 are eliminated and these subjects are to be covered by general law.)

Section 9. Unpaid stock subscriptions to stock of a corporation shall be secured by such means as may be prescribed by law, but, except as otherwise provided in this Article, no stockholder or subscriber to stock of a corporation shall be individually liable in any amount over or above the amount originally subscribed on such stock.

(Same as old Section 9, present Constitution, re-worded.)

RAILROADS

Section 10. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies' common carriers. The General Assembly shall pass laws to correct

5 abuses and prevent unjust discrimination and extortion in
6 the rates of freight and passenger tariffs on the different
7 railroads in this State.

(Same as Section 14, present Constitution with the last sentence: "* * * and from time to time, etc. * * *" eliminated.)

Section 11. If any railroad company organized under
2 the laws of this State shall consolidate by sale or otherwise,
3 with any railroad company organized under the laws of
4 any other State, or of the United States, the same shall not
5 thereby become a foreign corporation, but the courts of
6 this State shall retain jurisdiction in all matters which may
7 arise as if said consolidation had not taken place. In no
8 case shall any consolidation take place, except upon public
9 notice of at least sixty days to all stockholders, in such
10 manner as may be provided by law.

(Same as Section 16 of the present Constitution.)

Section 12. No law shall be passed by the General
2 Assembly granting the right to construct and operate a
3 street railroad within any city, town, village, or on any
4 public highway, without first acquiring the consent of the
5 local authorities having control of the street or highway
6 proposed to be occupied by such street railroad; and the
7 franchises so granted shall not be transferred without
8 similar assent first obtained.

(Same as Section 20 of the present Constitution.)

Section 13. No railroad or other transportation com-
2 pany shall grant free passes or tickets, or passes or tickets
3 at a discount, to members of the General Assembly, or mem-
4 bers of the State Board of Equalization, or to any state,
5 or county, or municipal officers, nor continue a pass pre-
6 viously issued, for use at any time during their term of
7 office, nor shall any member of the General Assembly, or

8 any other such officer accept, use, or retain such pass or
9 ticket, and the General Assembly shall fix the penalty for
10 the violation of the provisions of this section.

(Same in substance as Section 24 of the present Constitution except section rewritten.)

BANKS

Section 14. No State bank shall hereafter be created,
2 nor shall the State own or be liable for any stock in any
3 corporation, or joint stock company, or association for bank-
4 ing purposes, now created or hereafter to be created.

(Same as Section 25 of the present Constitution.)

Your Committee begs leave to report that, in addition to those heretofore discussed, it has carefully considered Proposals Nos. 59, 81, 240, 287, 306 and 329, which has also been referred to it, and after a full discussion and careful consideration thereof, begs leave to recommend the following disposition of same:

That said Proposal No. 59 be returned with the file with the recommendation that said proposal do not pass.

That said Proposal No. 81 be withdrawn at the request of the proponent.

That said Proposal No. 287 be returned with the file with the recommendation that said Proposal do not pass.

That Proposal No. 240 be withdrawn at the request of the proponent.

That Proposal No. 306 be returned with the file with the recommendation that said proposal do not pass.

That Proposal No. 329 be returned with the file with the recommendation that said proposal do not pass.

REMARKS

Section 1. This section is identical with Section 11 of the present Constitution and is transposed from that position in the

Article to Section 1 of the committee substitute because on account of its context it is believed to be a proper opening section for this Article. This Section of the Constitution does not purport to define "corporation", but for definite reasons having a legal background merely extends the term "corporation" to include "joint stock companies or associations having any powers or privileges not possessed by individuals or partnerships". Until these or similar words were written into the various Constitutions and Statutes there was considerable confusion throughout the country on the matter of the legal status of joint stock companies. At common law, the joint stock company had both the characteristics of a corporation and a partnership and unless changed by statute or Constitutional provision similar to the one in question the members were liable for the debts of the company as partners.

On account of this hybrid character for many years in Missouri, in fact until 1916 in the case of Williams vs. United Express Company, 195 Mo. Appeals, l. c. 363, 364, 365, the Courts of Missouri had held that an express company, being a joint stock company and not a corporation, could neither sue nor be sued as a joint stock company in Missouri but, as pointed out by Judge Bland in the Williams case, supra, in so holding the Courts had overlooked Section 11 of Article XII of the Constitution of Missouri. In the light of the above, the Committee felt it would be extremely dangerous to repeal or delete this section of the Constitution.

Section 2. This present Section 2 of the committee substitute embodies in substance Sections 1, 2 and 3 of the present Constitution. These sections were re-worded and consolidated by the Committee and especially the mandatory provision added that "The General Assembly shall provide for the organization of corporations by general law."

Section 3. This section is a new section and was recommended by the Missouri Bar Association especially on account

of the holding of the Supreme Court of Missouri in the case of Hicks vs. Forsyth Electric and Water Company, 50 S. W. (2nd) 1045; 330 Mo. 839, wherein the Supreme Court of Missouri held that general statutes extending corporate powers and rights applied only to corporations subsequently organized and not to existing corporations.

Section 4. This section is identical with Section 5 of the present Constitution and it is believed not only by your committee but by the Missouri Bar Association that this section should be retained in its present form.

Section 5. This section is identical with Section 4 of the present Constitution and has merely been transposed because your committee felt it was an expression of a specific power and should follow the expression of a general power.

Section 6. This section is the same as Section 7 of the present Constitution. It was recommended by the Missouri Bar Association that this section be eliminated on account of the fact that it worked an undue hardship on insurance companies and other financial institutions which through force of circumstances were compelled to take real estate in payment of debt and the limitation of six years therein contained was such that if strictly enforced would work another, an unusual and unjustified, hardship on policyholders of life insurance companies by compelling the forced sale of part of the assets in the reserves of such companies during the time of real estate depression. However, your committee felt that by the addition of the following words "And except such real estate as may be acquired in satisfaction of a debt, whether through foreclosure or otherwise, and such as may be taken in exchange for such real estate, all of which may be held for a period of not to exceed ten years and for such longer period as may be authorized by the General Assembly," that both the rights of the companies and the rights of the State to protect its real estate against a possible holding by large companies in *mortmain* would be prevented.

Section 7. This section is identical with Section 6 of the present Constitution but was transposed to the present position because all sections preceding referred to relationships between the corporation and the State while this section and following sections referred to relationships between the corporation and its stockholders.

Section 8. This section is the same in substance as old Section 8 and Section 10 of present Constitution except that specific time of notice of meetings of stockholders and percentage of voting stock for issuance of preferred stock in old Sections 8 and 10 are eliminated and these subjects are to be covered by general law.

Section 9. This section is the same in substance as old Section 9 except the words "unpaid stock subscriptions to stock of a corporation" were inserted in said section in lieu of the words "dues from private corporations." In the light of the decisions on this matter it was felt that the substituted words more clearly followed the thought to be expressed by this provision and in addition thereto the substitution of the words "originally subscribed on such stock" in the last line of this sentence more clearly expressed the intention of the section than the words "stock owned by him or her."

RAILROADS

The first Interstate Commerce Act which created the Interstate Commerce Commission was enacted in 1887. The Missouri Public Service Commission was created in 1913. This commission, together with the Interstate Commerce Commission, has developed principles and practical rules for the regulation of rates and services of railroads and other public utilities, based upon the experience of years which have intervened since 1875.

The development of the motor vehicle and highways adapted to its use and the evolution of the airplane as an instrument of

commercial transportation and the improvements of the inland waterways have all contributed to complicate the problem of the regulation of the relationship between carriers and the public. The inherent police power of the State and the common law, without the aid of any further constitutional authority, is the basis for regulation. The fact is that the provisions of the Constitution of 1875 relating to railroads have contributed little to the structure of regulations as it has been developed by the Missouri Courts and the Commission.

The purposes and objectives expressed in the provisions relating to railroads in the Constitution of 1875 have been realized in a system of control and regulation which has become an important part of the system of government. It is doubtful if it will ever be abandoned, as needs develop, no doubt it will be expanded.

The provisions of the present Constitution which are considered as bearing upon the general question of their need in the development of the regulation of railroads, have been retained, with some changes.

The reasons for the recommendation that some of the sections be omitted and others changed are presented for consideration.

It is recommended that Section 12 be stricken and in lieu thereof Section 14 be retained, that section preferred for the reason that in State ex rel. v. Public Service Commission, 270 Mo. 547, our Supreme Court decided that under the provisions of Section 14 the legislature had the power to create the Public Service Commission and vest it with power to fix maximum rates.

The Public Service Commission Act, as applied to this Article, requires that all charges by railroads shall be just and reasonable and prohibits every unjust and unreasonable charge (Sec. 5603); prohibits unjust discriminations in charges (Sec. 5609); prohibits unreasonable preferences or disadvantages as

between persons, localities or traffic (Sec. 5610); subjects the railroads to investigation by the Commission upon complaint or the Commission's own motion to determine whether the charges or practices are "unjust, unreasonable, unjustly discriminatory or unduly preferential or in anywise in violation of any provisions of law" and empowers the Commission to fix the maximum rates to be thereafter charged (Sec. 5623); and subjects the railroads and their personnel to civil and criminal penalties for violations (Sec. 5640).

These statutes provide a complete scheme for the control of discrimination whether it is involved in discrimination or otherwise, together with a forum and a remedy whereby the public may bring abuses of this kind to the attention of the Commission and empower the Commission to determine in each case whether an objectional discrimination does exist and to remove it if it does.

In addition to our statutes, the Interstate Commerce Commission exercises a very broad jurisdiction over railroad rates and fares, even over intrastate railroad rates and fares. In 1875 railroad transportation was very largely an intrastate problem. Today the railroad business in this State is done by interstate carriers, except for a small residue of short local lines which operate less than one hundred miles of railroad between them.

The declaration that railroad companies shall be common carriers is a restatement of the common law as universally recognized beyond a reasonable doubt. This provision of Section 14 in and of itself has given rise to no litigation.

At the present time railroads are defined to be common carriers and public utilities by the Public Service Commission Law. (Sec. 5578, subd. 9 and 25.)

It is recommended that Section 12 be not included and Section 14 retained as amended, for the reason that Section 12 has been held inoperative since 1926, for the reason that the case of McGrew vs. Mellon, 315 Mo. 798, the court held that the

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section was not self-enforcing and there is now sufficient protection in the statutes and ample authority in the Public Service Act to correct unreasonable and discriminatory rates, and further Section 14 covers the ground more completely. The last part of Section 14 is omitted for the reason that the legislature has granted the power to the Public Service Commission and the Interstate Commerce Commission has assumed jurisdiction of this function.

Section 13. This section is stricken for the reason that the several purposes of the section are fully accomplished by statutes now in force. Section 5232 is identical with this section of the Constitution; Section 5630 requires that railroads obtain certificates of convenience and necessity before they begin the construction of any railroad lines; Section 5128, relating generally to the powers of railroad companies provides that they may cross, intersect, join and unite, etc., and provides a method for the settlement of disputes relating thereto; Section 5255 requires interconnecting switches and spurs at railroad intersections so that traffic may be transferred from one road to another at that point; Section 5627 (the "Grade Crossing" statute) delegates to the Public Service Commission full and exclusive power to determine all questions arising out of the intersection of railroads; Section 5163 provides in detail for the interchange of traffic between railroads; Section 5623 empowers the Public Service Commission to require the establishment of through joint rates, fares and charges and gives the Commission general authority over that question.

These statutes provide for all of the conditions which the original section contemplates. The section has not figured in any important litigation.

Section 15. It is recommended that this section be stricken for the reason that the purpose of this section was obviously to assure and facilitate the exercise of the general power of visitation over railroad corporations.

There are various sections of the statutes which bear on this subject. Some of them are in the general corporation laws. Section 5070, relating to general offices of Missouri corporations contains specific provisions relating to railroad corporations. Sec. 5620 requires railroads to file annual reports and other periodic reports as the Commission may require. Under this section the railroads do file annually very comprehensive reports; Section 5619 empowers the Commission to examine books, papers, and all other aspects of the affairs and properties of railroad companies. The statutes in reference to the right of visitation cover that field. This section has given rise to no litigation.

Section 16. It is recommended that this section be stricken. There may have been an uncertainty at one time as to whether or not the rolling stock of a railroad was separable from the tracks. It may have been that the Convention thought this should be settled and took this means.

The general statutes relating to execution and the commonly adequate concepts as to what property may be reached on execution, are entirely adequate to take care of the objects of this section.

Section 17. In light of the fact that the railroads operating in Missouri are interstate systems and that the Interstate Commerce Commission has been given broad powers in respect to corporate structures and consolidations, as rates no longer depend upon competition, as a practical matter, this section has no useful purpose.

Section 5161 provides in detail for the consolidation of interconnecting railroads. Section 5146 prohibits interlocking officers where dual interests exist.

Sections 5632, 5633 and 5634 in practical effect puts the control of this matter in the Public Service Commission. It is recommended that this section be stricken.

Section 19. It is recommended that this section be stricken. This is not a provision relating to railroads at all and it has not

figured in any railroad litigation. It does not add to the prohibition or ex post facto laws contained in Section 15 of Article II of the Bill of Rights, which has been retained as new section 13.

Section 21. It is recommended that this section be stricken. Former Section 14 of this article is prospective and is applicable to all railroad corporations formed after the adoption of the constitution. That being the purpose of the section, at this time there is no railroad corporation operating in Missouri that was organized prior to 1875.

Section 22. It is recommended that this section be stricken. The subject matter of this section, together with penalties, was covered by the General Assembly. This legislation now appears as Section 5231.

Section 24.—New Section No. 13. Former Section 24 has been rewritten to provide that an official shall not use "a pass previously issued for use at any time during their term of office"—further that no officer shall "use or retain such pass" and that the Assembly shall fix a penalty for the violation of the provision. These changes in our opinion strengthen the section.

BANKS

Section 26. This section was not in the 1865 nor 1820 Constitutions. It is recommended that this section be stricken for the reason that in the early history of the State of Missouri, and in fact in all of the other states, currency was issued by State Banks and Private Banks. It was the days of "wildcat" and "reddog" currency. The bank of the State of Missouri was organized in 1837 and was one of the best State Banks in the country, getting through the panic of 1857 but closing in the depression following the panic of 1873. By this time, the people

were afraid of issues of the State Banks of states owning stock in State Banks. Congress then acted to create a national currency, therefore an act by the General Assembly of Missouri authorizing Missouri banks to issue currency might be violate of the Constitution of the United States. In any event if the General Assembly were to authorize State Banks to issue currency, none would do so because of the insurmountable handicap with which they would be faced in the form of a 10% tax on the issuance which their competitors, national banks and the federal government would not have to pay. As hereinabove indicated, the Supreme Court of the United States has said that the tax was for the purpose of providing against competition with the established national currency for circulation as money.

Section 27. It is recommended that this section be stricken for the reason this section was not in the 1865 nor 1820 Constitutions and its inclusion probably was the result of a wave of bank failures which had swept the State of Missouri in 1873-74. Reference to this wave is found in the published debates of that convention.

This section provides for a penalty difficult of enforcement, under panic conditions it is almost impossible to tell whether a bank is approaching an insolvent condition or not. Today banks are surrounded by a number of safeguards. The Bank Commissioner of Missouri can insist that impairment of capital be corrected. He also has the right of removal of officers who are not protecting the interests of the bank. Further than that, the F. D. I. C. has supervision of member banks which includes most banks. Banks which are members of the Federal Reserve System are under examination both by the Federal Reserve Bank and the Commissioner of Banking.

Sections 7976-7-8 are within the police power of the State and are not dependent for their validity on this Section. Even in the absence of a provision such as Section 5 of Article XII of

this Constitution the State still would have the sovereign inherent police power.

Respectfully submitted:

JOHN T. OPIE, Chairman
THOMAS C. HENNINGS, SR.
WM. H. ALLEN
KIRK JONES
GEO. D. CLAYTON, JR.
ALBERT KREAMALMYER
JAMES P. FINNEGAN
JOE J. MANLOVE
J. A. HEMPHILL
VICTOR M. PITNEY
RICHARD J. FITZGIBBON
JOE C. CRAIN
Committee on Corporations
and Industry No. 13.

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ENGROSSED

FILE NO. 9

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE XII.

Reported from the Committee on Corporations and Industry.—No. 13, February 16, 1944, with recommendation that the Committee Substitute for Proposals Nos. 82, 132, 133, 134, 136, Art. VIII of 142, 144, 179, 227, 230, 231, 297, 299, 318 be adopted; Proposals Nos. 59, 287, 306, 329 be rejected; Proposals Nos. 81, 240 withdrawn by author.

Taken up April 25, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment April 25, 1944.

Reported from the Committee on Phraseology, Arrangement and Engrossment May 4, 1944.

Read 2nd time May 15, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment adopted. Rules suspended, File No. 9 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 15, 1944.

Engrossed File No. 9 reported from the Committee on Phraseology, Arrangement and Engrossment May 19, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE XII

CORPORATIONS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 9, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on May 15, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 9

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE XII

CORPORATIONS

Present Constitution	Engrossed File	Origin
ARTICLE XII CORPORATIONS	ARTICLE XII CORPORATIONS	
Section 1. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place, and business been commenced in good faith, at the adoption of this Constitution, shall thereafter have no validity.		Sections 1, 2 and 3.
Section 2. No corporation, after the adoption of this Constitution, shall be created by special laws; nor shall any existing charter be extended, changed or amended by special laws, except those for charitable, penal or reformatory purposes, which are under the patronage and control of the State.	Section 2. CORPORATIONS SHALL BE ORGANIZED ONLY UNDER GENERAL LAWS. No corporation shall be created, nor shall any existing charter be extended or amended by special law; nor shall any law remit the forfeiture of any charter granted by special act. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization was not completed, and business was not being done in good faith at the adoption of this Constitution, shall thereafter have no validity.	

Section 3. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend such forfeited charter, or pass any other general or special laws for the benefit of such corporation.

Section 4. The exercise of the power and right of eminent domain, shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, or that may be hereafter organized, and subjecting them to the public use, the same as that of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when in the exercise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

Section 5. The exercise of the police power of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

Section 6. In all elections for directors or managers of any incorporated company, each shareholder shall have the right to cast as many votes in the aggre-

Section 4. The exercise of the power and right of eminent domain shall never be construed or abridged to prevent the taking by law of the property and franchises of CORPORATIONS and subjecting them to public use. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when THE RIGHTS OF any CORPORATION ARE AFFECTED BY ANY exercise of said power of eminent domain.

Section 4.

Section 3. The exercise of the police power of the state shall never be SURRENDERED, abridged, or construed to permit corporations to infringe the equal rights of individuals, or the general well-being of the state.

Section 5.

Section 6. In all elections for directors or managers of any CORPORATION, each shareholder shall have the right to cast as many votes in the aggre-

Section 6.

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gate as shall equal the number of shares so held by him or her in said company, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute, such votes among two or more candidates; and such directors or managers shall not be elected in any other manner.

gate as shall equal the number of shares held by him, multiplied by the number of directors or managers to be elected, and may cast the whole number of votes, either in person or by proxy for one candidate, or distribute such votes among two or more candidates; and such directors or managers shall not be elected in any other manner; PROVIDED, THAT THIS SECTION SHALL NOT APPLY TO CO-OPERATIVE ASSOCIATIONS, SOCIETIES OR EXCHANGES ORGANIZED UNDER THE LAW.

Section 7. No corporation shall engage in business other than that expressly authorized in its charter, or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate for any period longer than six years, except such as may be necessary and proper for carrying on its legitimate business.

Section 5. No corporation shall engage in business other than that expressly authorized in its charter or by law, nor shall it hold any real estate except such as is necessary and proper for carrying on its legitimate business; PROVIDED, that any corporation may hold, FOR TEN YEARS AND FOR SUCH LONGER PERIOD AS MAY BE PROVIDED BY GENERAL LAW, real estate ACQUIRED IN PAYMENT OF A DEBT, BY FORECLOSURE OR OTHERWISE, AND REAL ESTATE EXCHANGED THEREFOR.

Section 7.

Section 8. No corporation shall issue stock or bonds, except for money paid, labor done or property actually received, and all fictitious increase of stock

Section 7. No corporation shall issue stock, or bonds or OTHER OBLIGATIONS FOR THE PAYMENT OF MONEY, except for money paid, labor

Section 8.
Section 10.

or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law; nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting called for the purpose, first giving sixty days public notice, as may be provided by law.	done or property actually received; and all fictitious issues or increases of stock or indebtedness shall be void; PROVIDED, THAT NO SUCH ISSUE OR INCREASE MADE FOR VALID BONA FIDE ANTECEDENT DEBTS SHALL BE DEEMED FICTITIOUS OR VOID. The stock or bonded indebtedness of corporations shall not be increased nor shall preferred stock be issued, except according to general law.	
Section 9. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of stock owned by him or her.	Section 8. No stockholder or subscriber to stock of a corporation shall be individually liable in any amount IN EXCESS OF THE AMOUNT ORIGINALLY SUBSCRIBED ON SUCH STOCK.	Section 9.
Section 10. No corporation shall issue preferred stock without the consent of all the stockholders.		See engrossed Section 8.
Section 11. The term *corporation*, as used in this article, shall be construed to include all joint stock companies or associations having any powers or privileges not possessed by individuals or partnerships.	Section 1. The term "CORPORATION," as used in this article, shall be construed to include all joint stock companies or associations having any power or privileges not possessed by individuals or partnerships.	Section 11.
RAILROADS	RAILROADS	
Section 12. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount for the transportation of the		Omitted as recommended in Report Committee No. 13 pages 10-11.

same for a less distance than the amount charged for any greater distance; and suitable laws shall be passed by the General Assembly to enforce this provision, but excursion and commutation tickets may be issued at special rates.

Section 13. Any railroad corporation or association, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Omitted as recommended in Report Committee No. 13, page 12.

Section 14. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State; and shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and

Section 9. All railways in this state are hereby declared public highways, and railroad CORPORATIONS common carriers. Laws shall be enacted to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on all railroads in this state.

Section 14.

freight on said railroads, and enforce all such laws by adequate penalties.

Section 15. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid and by whom, the transfer of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and shall report annually, under oath, to the State Auditor, or some officer designated by law, all of their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The General Assembly shall pass laws enforcing, by suitable penalties, the provisions of this section.

Omitted as recommended in Report Committee No. 13, pages 12-13.

Section 16. The rolling stock and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals; and the General Assembly shall pass no law exempting any such property from execution and sale.		Omitted as recommended in Report Committee No. 13, page 13.
Section 17. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation, with, or lease, or purchase the works or franchise of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line. The question whether railroads are parallel or competing lines shall, when demanded, be decided by a jury, as in other civil issues.		Omitted as recommended in Report Committee No. 13, page 13.
Section 18. If any railroad company organized under the laws of this State shall consolidate by sale or otherwise, with any railroad company organized under the laws of any other State, or of	Section 10. If any railroad CORPORATION organized under the laws of this state shall consolidate by sale or otherwise, with any railroad CORPORATION organized under the laws of	Section 18.

the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction in all matters which may arise as if said consolidation had not taken place. In no case shall any consolidation take place, except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.	any other state, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this state shall retain jurisdiction in all matters which may arise as if said consolidation had not taken place. No consolidation shall take place, except upon at least sixty days public notice to all stockholders, in the manner provided by law.	
Section 19. The General Assembly shall pass no law for the benefit of a railroad or other corporations, or any individual or association of individuals, retrospective in its operation or which imposes on the people of any county or municipal sub-division of the State, a new liability in respect to transactions or considerations already past.		Omitted as recommended in Report Committee No. 13, pages 13-14.
Section 20. No law shall be passed by the General Assembly granting the right to construct and operate a street railroad within any city, town, village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad; and the franchises so granted shall not be transferred without similar assent first obtained.	Section 11. No law shall grant the right to construct and operate a street railroad within any city, town, village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highway, and the franchises so granted shall not be transferred without similar assent first obtained.	Section 20.

Section 21. No railroad corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.		Omitted as recommended in Report Committee No. 13, page 14.
Section 22. No president, director, officer, agent, or employe of any railroad company, shall be interested, directly or indirectly, in furnishing material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.		Omitted as recommended in Report Committee No. 13, page 14.
Section 23. No discrimination in charges or facilities in transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawbrack or otherwise; and no railroad company, or any lessee, manager or employe thereof, shall make any preference in furnishing cars or motive power.	Section 12. No discrimination in charges or facilities in transportation shall be made between transportation CORPORATIONS and individuals, or in favor of either, by abatement, drawback or otherwise; and no COMMON CARRIER, or any lessee, manager or employee thereof, shall make any preference in furnishing cars or motive power.	Section 23.
Section 24. No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the General Assembly, or members of the Board of Equalization, or any State, or county, or municipal officers; and the acceptance		Stricken on motion. Journal, April 24, 1944. Page 4.

of any such pass or ticket, by a member of the General Assembly, or any such officer, shall be a forfeiture of his office.

BANKS

Section 25. No state bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation, or joint stock company, or association for banking purposes, now created or hereafter to be created.

Section 26. No act of the General Assembly authorizing or creating corporations or associations with banking powers, (except banks of deposit or discount,) nor amendments thereto, shall go into effect, or in any manner be enforced, unless the same shall be submitted to a vote of the qualified voters of the State, at the general election next succeeding the passage of the same, and be approved by a majority of the votes cast at such election.

Section 27. It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer of any banking institution, to assent to the reception of deposits, or the creation of debts by such banking institution,

BANKS

Section 13. No state bank shall be created, nor shall the state own or be liable for any stock in any corporation, joint stock company, or association for banking purposes.

Section 25.

Omitted as recommended in Report Committee No. 13, pages 14-15.

after he shall have had knowledge of the fact that it is insolvent, or in failing circumstances; and any such officer, agent or manager shall be individually responsible for such deposits so received, and all such debts so created with his assent.

Omitted as recommended in Report Committee No. 13, pages 15-16.

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FILE NO. 10

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

Reported from the Committee on Labor.—No. 19, February 23, 1944, with recommendation that the Committee Substitute for Proposals Nos. 138, 150, 151, 224, 289, 309 be adopted.

R. E. L. MARRS, Secretary.

REPORT OF THE COMMITTEE ON LABOR NO. 19.

Committee substitute for Proposals Nos. 138, 150, 151, 224, 289, and 309.

Mr. President:

Your committee on Labor No. 19, to which was referred Proposals Nos. 138, 150, 151, 224, 289, and 309, begs leave to report that it has carefully considered the same, and as a substitute for and in lieu of all said Proposals, recommends its committee Substitute as follows:

Section 1. There shall be no abridgment of the right
2 of employees to join, organize or remain members of any
3 bona fide labor organization, and to exercise the right of
4 collective bargaining through representatives of their own
5 choosing; nor shall any employee be discriminated against
6 for such union labor activity.

Section 2. There shall be no abridgment of the right
2 of any officer or employee of the State or of any political
3 subdivision thereof to belong to any fraternal or labor
4 organization, or to any creed, religious or political, and to

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5 hold office therein; to make voluntary contributions to its
6 maintenance and to advocate its principles, nor shall any
7 such officer or employee be discriminated against because
8 of his or her union affiliation or his or her religious or political
9 belief or his or her support thereof.

Respectfully Submitted,

REUBEN T. WOOD
WILLIAM CLARK
ALROY S. PHILLIPS
EDWARD J. HOGAN, JR.
JOSEPH R. SLAY
J. FRED KOENIG
W. O. HANKS

With Reservations as to Section 2:

R. E. KIRCHNER
ALVA F. LINDSAY
FRANK A. WESLEY

Your committee returns herewith Proposals Nos. 138, 150, 151, 224, 289 and 309.

FRANK A. WESLEY, Chairman.

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FILE NO. 10

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

Reported from the Committee on Labor.—No. 19, February 23, 1944, with recommendation that the Committee Substitute for Proposals Nos. 138, 150, 151, 224, 289, 309 be adopted.

Taken up May 4, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 4, 1944.

Reconsidered vote by which File No. 10, as amended, was adopted May 9, 1944.

Taken up May 9, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 9, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment May 16, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE

LABOR

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 10 respectfully reports that it has examined the report of Committee No. 19 on Labor, and all amendments thereto, and it herewith reports said file as adopted by the Convention on May 9, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman.

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FILE NO. 10.

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI
REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE

LABOR

As Adopted by the Convention

Section 1. Employees shall have the right to organize and to bargain collectively through representatives of their own choosing.

As Suggested by the Committee

Section 1. Employees shall have the right to organize and to bargain collectively through representatives of their own choosing.

(No changes.)

ALROY S. PHILLIPS
HOWARD C. POTTER
THOS. C. HENNINGS, SR.
RICHARD S. RIGHTER
MEREDITH GARTEN
ALLEN McREYNOLDS
FRANK B. WILLIAMS

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ENGROSSED

FILE NO. 10

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

Reported from the Committee on Labor.—No. 19, February 23, 1944, with recommendation that the Committee Substitute for Proposals Nos. 138, 150, 151, 224, 289, 309 be adopted

Taken up May 4, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 4, 1944.

Reconsidered vote by which File No. 10, as amended, was adopted, May 9, 1944.

Taken up May 9, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 9, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment May 16, 1944.

Read 2nd time June 8, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 10 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment June 8, 1944.

Engrossed File No. 10 reported from the Committee on Phraseology, Arrangement and Engrossment June 13, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE —

LABOR

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 10, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on June 8, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

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ENGROSSED FILE NO. 10

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE ——

LABOR

Present Constitution	Engrossed File	Origin
No Corresponding Section.	Section 1. EMPLOYEES SHALL HAVE THE RIGHT TO ORGANIZE AND TO BARGAIN COLLECTIVELY THROUGH REPRESENTATIVES OF THEIR OWN CHOOSING.	New Section. From New York Constitution of 1938, Section 17 of Article 1.

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FILE NO. 11

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE IX.

Reported from the Committee on Local Government.—No. 9, February 25, 1944, with recommendation that the Committee Substitute for Proposals Nos. 44, 64, 69, 70, 112, 117, Article XI of 142, 152, 153, 157, 162, 172, 182, 205, 207, 212, 246, 314, 331, 333 be adopted; Proposals Nos. 95, 156, 202, 226, 374 being considered by Committee No. 8; Proposal No. 356 not considered by Committee No. 9; Proposal No. 353 be rejected.

R. E. L. MARRS, Secretary.

REPORT OF THE COMMITTEE ON LOCAL GOVERNMENT—NO. 9.

Mr. President:

Your Committee on Local Government—No. 9, to which was referred Proposals numbers 44, 64, 69, 70, 95, 112, 117, Article XI of 142, 152, 153, 156, 157, 162, 172, 182, 202, 205, 207, 212, 226, 246, 314, 331, 333, 353, 356, and 374, wish to report that it has carefully considered the same, and as a substitute for and in lieu of Proposals numbers 44, 64, 69, 70, 112, 117, Article XI of 142, 152, 153, 157, 162, 172, 182, 205, 207, 212, 246, 314, 331, and 333 and in lieu of Sections 1 to 15, inclusive, of Article IX of the present Constitution recommends its Committee Substitute as follows:

ARTICLE IX

LOCAL GOVERNMENT

Section 1. The existing counties and the City of Saint
2 Louis are hereby recognized as legal subdivisions of the
3 State.

(A revision of Sec. 1, Art. IX, Const. 1875.)

Section 2. No county seat shall be removed unless
2 two-thirds of the qualified voters of the county, voting on
3 the proposition at a general election, vote therefor, and no
4 such proposition shall be submitted oftener than once in
5 five years.

(A revision of Sec. 2, Art. IX, Const. 1875.)

Section 3. Two or more counties may be consolidated,
2 if a majority of the qualified voters in each county affected,
3 voting separately on the question, shall vote therefor;
4 provided a proposition for such a consolidation shall not be
5 submitted oftener than once in five years. The former areas
6 shall be held responsible for their respective outstanding
7 liabilities, as may be provided by law.

(A substitute for Sec. 3, Art. IX, Const. 1875.)

Section 4. A county may be dissolved by a two-thirds
2 majority of the qualified voters voting on the question, and,
3 when so dissolved, portions thereof may be annexed to ad-
4 joining counties, as may be provided by law.

(A revision of Secs. 4 and 5, Art. IX, Const. 1875.)

Section 5 In each county, there shall be elected a
2 county court of three members, provided the voters in any
3 county in the manner prescribed by law may hereafter
4 reduce the number of members to one or two. The court
5 shall manage all county and such other business, except
6 judicial, as prescribed by law, and keep an accurate record
7 of its proceedings.

(A revision of Sec. 36, Art. VI, Const. 1875.)

Section 6. No county, city or other political corpora-
2 tion or subdivision of the State shall become a subscriber
3 to the capital stock of or a stockholder in any corporation
4 or association or lend its credit or grant public money or
5 thing of value to or in aid of any association, corporation

or individual, except as otherwise provided in this Constitution.

(A revision of Sec. 6, Art. IX, Const. 1875.)

Section 7. The General Assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provisions, by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to, and be governed by, the general laws relating to such corporations.

(No change.)

Section 8. Provision shall be made by general laws for the organization and classification of counties, except as otherwise authorized in this Constitution. The number of classes shall not exceed four, and the organization and powers of each class shall be defined by general laws so that all counties within the same class shall possess the same powers and be subject to the same restrictions. A law applicable to any county shall apply to all counties in the class to which such county belongs.

(This is a new section.)

Section 9. Notwithstanding other provisions in this article, alternative forms of county government for the counties of any particular class and the method of adopting any such alternative form of government may be prescribed by law.

(This is a new section.)

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Section 10. The existing organization of counties shall continue until further provisions applicable thereto shall be provided, as authorized in this Constitution.

(This is a new section.)

Section 11. The term of any city or county office shall not exceed four years.

(A revision of Sec. 14, Art. IX, Const. 1875.)

Section 12. The compensation of all county officers shall be provided for and regulated by law uniform in operation in each class of counties as provided for in this Constitution. Every such officer shall file a detailed statement, verified by his affidavit, of fees collected and salaries paid to his necessary deputies or assistants as may be provided by law.

(A revision of Secs. 12 and 13, Art. IX, Const. 1875.)

Section 13. All state and county officers and employees charged with the investigation, arrest, prosecution, trial, custody, care, feeding, commitment, or transportation of persons accused of or convicted of a criminal offense shall be compensated for their official services only by salaries, and any fees collected by any such officers in such cases and all fines, penalties, and forfeitures resulting therefrom shall be paid into the general revenue fund, entitled to receive the same, as may be provided by law. Provided, any fees earned by any county officers in civil matters may be retained by them as may be provided by law.

(This is a new section.)

Section 14. The government of any city, town, or village may be consolidated, in whole or in part, with that of a county or other political subdivision in the manner provided by law.

(A revision of Sec. 15, Art. IX, Const. 1875.)

Section 15. No person shall, while holding any lucrative office under the United States, this state or any county thereof, hold any other lucrative office of this state or any county or municipality thereof. In cities having more than five thousand (5,000) population, no person shall at the same time hold more than one lucrative office, either in the same municipality or in different municipalities; provided, however, this section shall not apply to members of the organized militia, and notaries public, or any offices which may have been consolidated in accordance with other provisions of this Constitution.

(A revision of Sec. 18, Art. IX, Const. 1875.)

REMARKS

The important change in Section 1 recognizes the City of Saint Louis as a legal subdivision of the State.

The first part and the last sentence of Section 2 are omitted, being considered unnecessary. The purpose of the old section has been retained.

Section 3 is a substitute for old Section 3. It provides for the voluntary consolidation of counties, rather than for the establishment of new counties. It is the opinion of the Committee that there is no longer any need for the establishment of additional counties through the division of existing counties. A similar provision for voluntary consolidation of counties was approved in the Convention of 1922-23.

Section 4 is a substitute for Sections 4 and 5 of the present Constitution. It merely provides for the dissolution of a county and an annexation of portions thereof to adjoining counties. The statutory detail of the present sections is omitted as superfluous.

Section 5 is a substitute for the present Section 36, Article VI. It retains the county court as the chief governing body of the county, but omits the provision that it shall be a court of record, and relieves the court of judicial functions. The provision will permit the voters in any county to reduce the number of members from three to one or two.

The revision of Section 6 is in harmony with a provision approved in the Convention of 1922-23. It retains the significant provisions of the present section, but omits a portion that was inserted as a temporary expedient in 1875, and which is clearly antiquated today. This section was considered at length in the Convention of 1922-23, but finally omitted as unnecessary in view of a similar provision in Section 47, of Article IV. It is inserted at this time because the Committee believes that such a limitation should be incorporated in the Constitution, but may be eliminated if the situation is adequately protected by another section.

The present Section 7 on the classification of cities was considered adequate, so no change has been recommended.

Section 8 is a new one on the organization and classification of counties. It is similar to Section 7 which provides for the organization and classification of cities. The provision is designed to permit a more flexible system of county government rather than one uniform system as now required. It will permit the Legislature to formulate a more simple set-up of government for counties of relatively low valuation. It is also consistent with a home rule provision for a few larger counties whose problems are essentially different from the other counties. Such a home rule provision has been tentatively approved by Committee No. 8.

Section 9 is a new section which will permit alternative forms of county government for any county in the State. This plan has been adopted in Louisiana, Montana, New York, Ohio

and Virginia. It is sometimes referred to as a form of county home rule in which the details are prescribed by statute.

Section 10 is new. The Committee thought it should be incorporated in this Article, unless appropriate provisions are made in the "Schedule".

Section 11 is a revision of the present Section 14 which eliminates the superfluous provisions.

Section 12 combines and retains essentially the provisions of the present Sections 12 and 13. It eliminates the requirement for a quarterly return on the assumption that it may be desirable to require a more frequent accounting of fees, salaries, etc. The Committee was afraid that a $10,000 maximum might be assumed as the proper goal in the smaller counties.

Section 13 is a new section designed to place law enforcement officers upon a salary basis. It is a substitute for Proposals numbers 157 and 71.

Section 14 is a revision of the present Section 15, which extends the right of city-county consolidation to any city, town or village in the State. It also permits a consolidation "in part" which will permit functional consolidations.

Section 15 is essentially a revision of the present Section 18 which applies to cities or counties having more than 200,000 inhabitants. It is submitted as a substitute and in lieu of Proposal number 162.

Regarding other proposals referred to this Committee, the Committee reports that Proposals numbers 95, 156, 202, 226, and 374 were referred by this Committee to a Special Committee on Home Rule appointed by the Chairmen of Committees numbers 8 and 9. Substitutes for these proposals have been prepared and reported back to Committee No. 8.

The Committee is informed that a satisfactory substitute for Proposal number 356 has been approved by another committee for inclusion in the Bill of Rights.

The Committee recommends that Proposal number 353 do not pass.

Respectfully submitted

C. W. BURKHEAD
CLAUDE ARNOLD
JACOB L. BABLER
*OMER E. BROWN
RUBY W. BENECKE
EARLE E. FOGLE
R. W. BROWN
*MARSHALL E. FORD
ALBERT KREAMALMYER
*VANCE JULIAN
*BERT MILLER
WADE W. MAUPIN
JOHN J. ROBISON
REX H. MOORE
*CHARLES M. SEYB
*JAMES E. SATER
*O. C. TEE
WILLIAM L. BRADSHAW
Chairman

*Signed with reservations as follows:

O. E. Brown—As indicated in Exhibit A
Marshall E. Ford—Sections 5, 11, 12, and 13
Vance Julian—Sections 13 and 15
Bert Miller—Sections 13 and 15
James E. Sater—Section 3, 5, 13, 14, and 15
Charles M. Seyb—Section 13
O. C. Tee—Sections 3, 6, 12, 14, and 15

EXHIBIT A.

The following sections and amendments to the sections of the majority report constitute Exhibit A, and represent the reservations of my approval of the majority report:

SECTION 4. COUNTIES MAY BE DISSOLVED, HOW. A county may be dissolved by a two-thirds majority of the qualified voters voting on the question, and, when so dissolved, portions or all thereof may be annexed to an adjoining county, as may be provided by law.

SECTION 5. COUNTY COURT, POWERS, DUTIES. In each county there shall be elected a county court of three members, provided, the voters in any county in the manner prescribed by law may hereafter reduce the number of members to one or two. The court shall manage all county business and the establishment and location or change of county roads, and such other business, except judicial, as prescribed by law, and shall keep and speak by its record of its proceedings.

SECTION 7. CLASSIFICATION OF CITIES AND TOWNS. The General Assembly shall provide for the classification of cities and towns. The number of such classes shall not exceed four; and the power of each class shall be defined by law. All such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provisions, by law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to, and be governed by, the laws relating to such corporations.

SECTION 8. COUNTY MAY VOTE TOWNSHIP ORGANIZATION, HOW. The General Assembly may provide, by law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting upon that proposition, and in a general election, shall so determine; and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of county affairs, and the assessment and collection of the revenue

by county offices, in conflict with law for township organization, shall be dispensed with, and the business of such county and the local government of the several townships therein, may be transacted in such manner as may be prescribed by law.

SECTION 9. TOWNSHIP ORGANIZATION DISCONTINUED, HOW. In any county which shall have adopted "township organization", the question of continuing the same may be submitted to a vote of the electors of such county at a general election, in the manner that shall be provided by law; and if a majority of all the votes cast on that question shall be against township organization, it shall cease in said county; and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

SECTION 10. ELECTION OF SHERIFF, VACANCY IN OFFICE, HOW FILLED. In each county there shall be elected by the qualified voters of each county, a sheriff, with qualifications and for such terms as may be provided by law. Whenever a vacancy shall happen in the office of sheriff, the same shall be filled by appointment by the Governor, and such appointee shall hold office until the next General election or until his successor is elected and qualified. No elected sheriff shall be eligible to succeed himself.

SECTION 11. CLASSIFICATION OF COUNTIES. Provision shall be made by law for the classification of counties, except as otherwise authorized in this Constitution. The number of classes shall not exceed four, and the organization and powers of each class shall be defined by law, so that all counties within the same class shall possess the same powers and be subject to the same restrictions. A law applicable to any county of a class shall apply to all

9 counties of the class to which such county belongs, and
10 none other.

SECTION 12. COUNTY GOVERNMENT, ALTER-
2 NATIVE FORM. Alternative forms of county government
3 for the counties of any class and the method of adopting
4 any such alternative form of government shall be provided
5 for by law.

SECTION 13. TERMS OF OFFICE, DURATION.
2 The term of any city or county office shall not exceed four
3 (4) years.

SECTION 14. FEES AND SALARIES, DEPUTY
2 HIRE. The compensation and fees of all county officers
3 shall be provided for and regulated by law uniform in opera-
4 tion, in each class of counties provided for in this Constitu-
5 tion. Every county officer shall file an itemized statement,
6 monthly, verified by his affidavit, of fees collected and
7 salaries paid to his deputies or assistants.

SECTION 15. CITY-COUNTY GOVERNMENT;
2 CONSOLIDATION OF. The government of any city,
3 town or village may be consolidated, in whole or in part,
4 when such proposed consolidation is approved by a majority
5 vote of such city, town or village and the county affected,
6 with that of the county or other political subdivision. The
7 manner of such consolidation shall be provided for by law.

STATEMENT.

Section Five is changed in a corrective manner, and in addition, provides that the establishment and location or change of county roads shall still be handled by the county court.

Section Seven contains merely corrective changes.

Section Eight retains the section of the present Constitution, in practically the same form, for the adoption of township organization.

Section Nine provides for the abolishment of township organization.

Section Ten provides for the election of a sheriff, excludes the coroner, and provides that a vacancy shall be filled by appointment by the Governor until the next general election, and that the qualifications and term of office shall be provided by law, among other things.

Section Eleven o "Exhibit A" is section 8 of the majority report, with correctional changes.

Section Twelve of Exhibit A is Section 9 of the majority report, with correctional changes.

Section Ten of the majority report is stricken in Exhibit A, for the reason that we believe Section Ten will be covered in the Schedules.

Section Thirteen of Exhibit A is Section 11 of the majority report.

Section Fourteen of Exhibit A is Section 12 of the majority report.

Exhibit A eliminates Section 13, for the reason that it would be too expensive upon many counties to place all law enforcement officers upon salaries, and, further, it provides that fines, penalties and forfeitures should go into the general revenue, and takes them away from the school fund, where they rightfully belong.

Section Fifteen of Exhibit A is Section 14 of the majority report, but would require a majority vote to be had in both the city and county before consolidation could be had.

All proposals referred to and considered by the Committee are returned with this report.

The Chairman wishes to express his sincere appreciation to the members of the Committee for their assistance in and contributions to the deliberations of the Committee, and their cooperation in the preparation of this report.

WILLIAM L. BRADSHAW
Chairman

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ENGROSSED

FILE NO. 11

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE IX

Reported from the Committee on Local Government.—No. 9, February 25, 1944, with recommendation that the Committee Substitute for Proposals Nos. 44, 64, 69, 70, 112, 117, Article XI of 142, 152, 153, 157, 162, 172, 182, 205, 207, 212, 246, 314, 331, 333 be adopted; Proposals Nos. 95, 156, 202, 226, 374 being considered by Committee No. 8; Proposal No. 356 not considered by Committee No. 9; Proposal No. 353 be rejected.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 3, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment May 23, 1944.

Read 2nd time June 8, 1944. Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 11 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment June 8, 1944.

Engrossed File No. 11 reported from the Committee on Phraseology, Arrangement and Engrossment June 15, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE IX

LOCAL GOVERNMENT

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 11, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on June 8, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 11

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE IX

LOCAL GOVERNMENT

Present Constitution	Engrossed File	Origin
ARTICLE IX COUNTIES, CITIES AND TOWNS	ARTICLE IX LOCAL GOVERNMENT	
Section 1. The several counties of this State, as they now exist, are hereby recognized as legal subdivisions of the State.	Section 1. The existing counties are hereby recognized as legal subdivisions of the state.	Section 1 rewritten.
Section 2. The General Assembly shall have no power to remove the county seat of any county, but the removal of county seats shall be provided for by general law; and no county seat shall be removed unless two-thirds of the qualified voters of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in five years. All additions to a town which is a county seat shall	Section 2. No county seat shall be removed except by vote of two-thirds of the qualified electors of the county voting thereon at a general election, but no such vote shall be taken more than once in five years.	Section 2 rewritten with omission of first clause and last sentence.

be included, considered and regarded as part of the county seat.

Section 3. The General Assembly shall have now power to establish any new county with a territory of less than four hundred and ten square miles, nor to reduce any county now established to a less area or less population than required for a ratio of representation existing at the time; but when a new county is formed having a population less than a ratio of representation, it shall be attached for representative purposes to the county from which the greatest amount of territory is taken until such ratio shall be obtained. No county shall be divided or have any portion stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the qualified voters of the county or counties thus affected, voting on the question, shall vote therefor; nor shall any new county be established, any line of which shall run within ten miles of the then existing county seat of any county. In all cases of the establishment of any new county, the new county shall be held for and obligated to pay its ratable proportion of all the liabilities then existing of the county

Section 3. TWO OR MORE COUNTIES MAY BE CONSOLIDATED BY VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS VOTING THEREON IN EACH COUNTY AFFECTED, BUT NO SUCH VOTE SHALL BE TAKEN MORE THAN ONCE IN FIVE YEARS. THE FORMER AREAS SHALL BE HELD RESPONSIBLE FOR THEIR RESPECTIVE OUTSTANDING LIABILITIES AS PROVIDED BY LAW.

Committee substitute for Section 3.

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or counties from which said new county shall be formed.		
	Section 4. No county shall be divided or have any portion stricken therefrom except by vote of a majority of the qualified electors voting thereon in each county affected.	Clause 1 of sentence 2 of Section 3 rewritten.
Section 4. No part of the territory of any county shall be stricken off and added to an adjoining county without submitting the question to the qualified voters of the counties immediately interested, nor unless a majority of all the qualified voters of the counties thus affected, voting on the question, shall vote therefor. When any part of a county is stricken off and attached to another county, the part stricken off shall be holden for and obligated to pay its proportion of all the liabilities then existing of the county from which it is taken.		
Section 5. When any new county, formed from contiguous territory taken from older counties, or when any county to which territory shall be added taken from an adjoining county shall fail to pay the proportion of indebtedness of such territory to the county or counties from which it is taken, then it may be lawful for any county from	Section 5. A COUNTY MAY BE DISSOLVED BY VOTE OF TWO-THIRDS OF THE QUALIFIED ELECTORS OF THE COUNTY VOTING THEREON, AND WHEN SO DISSOLVED ALL OR PORTIONS THEREOF MAY BE ANNEXED TO THE ADJOINING COUNTY OR COUNTIES AS PROVIDED BY LAW.	Committee substitute for sections 4 and 5.

which such territory has been taken to levy and collect, by taxation, the due proportion of indebtedness of such territory, in the same manner as if the territory had not been stricken off.

ARTICLE VI

Section 36. In each county there shall be a county court, which shall be a court of record, and shall have jurisdiction to transact all county and such other business as may be prescribed by law. The court shall consist of one or more judges, not exceeding three, of whom the probate judge may be one, as may be provided by law.

Section 6. IN EACH COUNTY NOT FRAMING AND ADOPTING ITS OWN CHARTER OR ADOPTING AN ALTERNATIVE FORM OF COUNTY GOVERNMENT, there shall be elected a county court of THREE MEMBERS which shall manage all county business as prescribed by law, AND KEEP AN ACCURATE RECORD OF ITS PROCEEDINGS. THE VOTERS OF ANY COUNTY MAY REDUCE THE NUMBER OF MEMBERS to ONE OR TWO AS PROVIDED BY LAW.

Section 36 of Article VI revised.

ARTICLE IX (Continued)

Section 6. No county, township, city or other municipality shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation or donation, or loan its credit to or in aid of any such corporation or association, or to or in aid of any college or institution of learning or other institution, whether created for or to be controlled by the State or others. All

Section 7. No county, city or other political corporation or subdivision of the state shall own or subscribe for stock in any corporation or association, or lend its credit or grant public money or thing of value to or in aid of any corporation, association or individual, except as provided in this Constitution.

Section 6 revised.

authority heretofore conferred for any of the purposes aforesaid by the General Assembly, or by the charter of any corporation, is hereby repealed: *Provided, however*, that nothing in this Constitution contained shall affect the right of any such municipality to make such subscription, where the same has been authorized under existing laws by a vote of the people of such municipality prior to its adoption, or to prevent the issue of renewal bonds, or the use of such other means as are or may be prescribed by law for the liquidation or payment of such subscription, or of any existing indebtedness.

Section 7. The General Assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provisions, by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to, and be governed by, the general laws relating to such corporations.

Section 8. The general assembly shall provide by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the powers of each class shall be defined by general laws so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The general assembly shall also make provisions, by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to, and be governed by, the general laws relating to such corporations.

Section 7.

	Section 9. PROVISION SHALL BE MADE BY GENERAL LAWS FOR THE ORGANIZATION AND CLASSIFICATION OF COUNTIES EXCEPT AS PROVIDED IN THIS CONSTITUTION. THE NUMBER OF CLASSES SHALL NOT EXCEED FOUR, AND THE ORGANIZATION AND POWERS OF EACH CLASS SHALL BE DEFINED BY GENERAL LAWS SO THAT ALL COUNTIES WITHIN THE SAME CLASS SHALL POSSESS THE SAME POWERS AND BE SUBJECT TO THE SAME RESTRICTIONS. A LAW APPLICABLE TO ANY COUNTY SHALL APPLY TO ALL COUNTIES IN THE CLASS TO WHICH SUCH COUNTY BELONGS.	New.
Section 8. The General Assembly may provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting upon that proposition, at any general election, shall so determine; and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of county affairs, and the assessment and collection of the revenue by county officers, in conflict with such general law for township organization, may be	Section 10. ALTERNATIVE FORMS OF COUNTY GOVERNMENT FOR THE COUNTIES OF ANY PARTICULAR CLASS AND THE METHOD OF ADOPTION THEREOF MAY BE PROVIDED BY LAW.	Committee substitute for Section 8.

dispensed with, and the business of said county, and the local concerns of the several townships therein, may be transacted in such manner as may be prescribed by law: *Provided*, that the justices of the county court in such case shall not exceed three in number.

Section 9. In any county which shall have adopted "township organization", the question of continuing the same may be submitted to a vote of the electors of such county at a general election, in the manner that shall be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, it shall cease in said county; and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

Section 10. There shall be elected by the qualified voters in each county on the first Tuesday next following the first Monday in November, A. D. 1908, and thereafter every four years, a sheriff and coroner. They shall serve for four years and until their successors be duly elected and qualified, unless sooner removed for malfeasance in office. Before entering on the duties

Section 11. THE EXISTING ORGANIZATION OF COUNTIES SHALL CONTINUE UNTIL FURTHER PROVISIONS APPLICABLE THERETO SHALL BE PROVIDED, AS AUTHORIZED IN THIS CONSTITUTION.

Committee substitute for Section 9.

Contained in Minority Report of Committee No. 9, section 10, page 10. Omitted in majority Report of Committee No. 9 without explanation. Explained on debate.

of their office, they shall give security in the amount and in such manner as shall be prescribed by law, and shall be eligible only four years in any one period. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and coroner therein, who shall continue in office until the next succeeding general election and until their successors shall be duly elected and qualified.

Section 11. Whenever a vacancy shall happen in the office of sheriff or coroner, the same shall be filled by the county court. If such vacancy happen in the office of sheriff more than nine months prior to the time of holding a general election, such county court shall immediately order a special election to fill the same, and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise, the person appointed by such county court shall hold office until the person chosen at such general election shall be duly qualified. If any vacancy happen in the office of coroner, the same shall be filled for the remainder of the term by such county court. No person elected or appointed to fill a vacancy in either of

Not mentioned in majority and minority reports of Committee No. 9. Explained on debate.

said offices shall thereby be rendered ineligible for the next succeeding term.

Section 12. The General Assembly shall, by a law uniform in its operation, provide for and regulate the fees of all county officers, and for this purpose may classify the counties by population.

Section 13. The fees of no executive or ministerial officer of any county or municipality, exclusive of the salaries actually paid to his necessary deputies, shall exceed the sum of ten thousand dollars for any one year. Every such officer shall make return, quarterly, to the county court of all fees by him received, and of the salaries by him actually paid to his deputies or assistants, stating the same in detail, and verifying the same by his affidavit; and for any statement or omission in such return, contrary to truth, such officer shall be liable to the penalties of willful and corrupt perjury.

Section 13. EXCEPT IN COUNTIES WHICH FRAME, ADOPT AND AMEND A CHARTER FOR THEIR OWN GOVERNMENT, the compensation of all county officers shall be prescribed by law uniform in operation in each class of counties. Every such officer shall file a sworn statement in detail, of fees collected and salaries paid to his necessary deputies or assistants, as provided by law.

Committee substitute for sections 12 and 13.

Section 14. Except as otherwise directed by this Constitution, the General Assembly shall provide for the election or appointment of such other county, township and municipal officers as public convenience may require; and their terms of office and duties

Section 12. The terms of city or county officers shall not exceed four years.

Committee substitute for section 14.

shall be prescribed by law; but no term of office shall exceed four years.

Section 15. In all counties having a city therein containing over one hundred thousand inhabitants, the city and county government thereof may be consolidated in such manner as may be provided by law.

Section 15. THE GOVERNMENT OF ANY CITY, TOWN OR VILLAGE NOT IN A COUNTY FRAMING, ADOPTING AND AMENDING A CHARTER FOR ITS OWN GOVERNMENT, MAY BE CONSOLIDATED OR SEPARATED, IN WHOLE OR IN PART, WITH OR FROM THAT OF THE COUNTY OR OTHER POLITICAL SUBDIVISION IN WHICH SUCH CITY, TOWN OR VILLAGE IS SITUATED, AS PROVIDED BY LAW.

Committee substitute for section 15.

Section 14. ALL STATE AND COUNTY OFFICERS, EXCEPT CONSTABLES AND JUSTICES OF THE PEACE, CHARGED WITH THE INVESTIGATION, ARREST, PROSECUTION, CUSTODY, CARE, FEEDING, COMMITMENT, OR TRANSPORTATION OF PERSONS ACCUSED OF OR CONVICTED OF A CRIMINAL OFFENSE SHALL BE COMPENSATED FOR THEIR OFFICIAL SERVICES ONLY BY SALARIES, AND ANY FEES AND CHARGES COLLECTED BY ANY SUCH OFFICERS IN SUCH CASES SHALL BE PAID INTO THE GEN-

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ERAL REVENUE FUND ENTITLED TO RECEIVE THE SAME, AS PROVIDED BY LAW. ANY FEES EARNED BY ANY SUCH OFFICERS IN CIVIL MATTERS MAY BE RETAINED BY THEM AS PROVIDED BY LAW.

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FILE NO. 12

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE IX.

Reported from the Committee on Local Government (City of St. Louis, St. Louis County and Jackson County).—No. 8, March 9, 1944, with recommendation that the Committee Substitute for Proposals Nos. 16, 29, 67, 96, 97, 118, 129, 137, 165, 194, 195, Sections 3, 4, 5, of 298, 336, 350 be adopted; Proposals Nos. 257 and 279 be rejected; Proposals Nos. 62 and 252 withdrawn by authors.

R. E. L. MARRS, Secretary.

Report of the Committee on Loca' Government (City of St. Louis, St. Louis County, and Jackson County), No. 8.

Mr. President:

Your Committee on Local Government (City of St. Louis, St. Louis County, and Jackson County) No. 8, to which was referred Proposals numbered 16, 29, 62, 67, 96, 97, 118, 129, 137, 165, 194, 195, 252, 257, 279, Sections 3, 4, 5 of 298, 336, and 350, and the Petition of Mr. Louis A. Laughlin of Kansas City, begs leave to report that it has carefully considered the said petition and proposals; that it has considered Proposals numbered 95, 156, 202, 226, and 374 which were assigned to Committee No. 9 with instructions to confer with this Committee; that it has considered Sections 16 to 26 inclusive of Article IX of the present Constitution; that Proposals 62 and 252 were withdrawn by their authors; that the Committee recommended that the petition of Mr. Laughlin and Proposals numbered 257

and 279 do not pass and that in lieu of all the other proposals and the said Sections of the Constitution, recommends its Committee Substitute as follows:

ARTICLE IX

Section 12 a. Every public officer in the City of St. Louis and every state and county officer in counties in this state which contain or may hereafter contain 100,000 population or more, excepting Notaries Public, shall monthly, pay into the treasury, of such county or city, all fees, and commissions, from whatever source received. No such officer shall retain any fees, commissions, or emoluments whatsoever in addition to, or in lieu of, his official salary as the same may be fixed by law.

(This is a new Section)

Section 14 a. The qualified voters of any counties, not exceeding six, whose territory is contiguous, may authorize such counties to act together in performing any function or service common to all of said counties, including the building and maintenance of hospitals, alms houses, purchase of road machinery, the purchase and maintenance of any other property which any of the counties is authorized to build, maintain or own, and where each of said counties is authorized to employ an officer or employee to perform services for it, then all of said counties may join in employing such person to perform such services for all of said counties, provided that a majority of the qualified voters of each of said counties, voting at separate elections, approve the exercise of said authority.

The costs and benefits accruing to the counties shall be allocated among the counties on the basis of assessed valuation. The county courts of the participating counties shall administer the delegated powers. Any county by a

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19 majority of its qualified voters voting on the question, may
20 withdraw from such joint participation.

(This is a new section)

Section 16. The chief administrative agency or gov-
2 erning authority in the several counties and in the City of
3 St. Louis shall provide for the centralized purchasing of all
4 county or city supplies.

(This is a new section)

Section 17 a. COOPERATION OF GOVERN-
2 MENTAL UNITS. Agreements may be made by any
3 county, city or other civil division with any other such
4 civil division or with the state, or with any other state or
5 sub-division thereof, or with the United States for a co-
6 operative or joint administration of any of its functions or
7 powers, and the legislature shall have power to facilitate
8 such arrangements.

Section 17 b. AIRPORT FACILITIES. Any
2 county, city or other civil division which borders upon
3 the boundaries of any other state shall have power to make
4 agreements with such other state for acquiring, owning
5 and/or operating airports and facilities connected there-
6 with.

(These are new sections)

Section 18. The General Assembly shall have power
2 to provide by law and any city or county operating under
3 a special charter may provide by ordinance, for the clear-
4 ance, replanning, reconstruction, redevelopment and re-
5 habilitation of blighted, substandard or insanitary areas,
6 and for recreational and other facilities incidental or appur-
7 tenant thereto, and they may condemn or permit the con-
8 demnation of property for such purposes, and when so

9 acquired, the owner of such property shall be invested
10 with the fee simple title thereto, and may sell or other-
11 wise dispose of such property subject to such restrictions
12 as may be deemed in the public interest.

(This is a new section)

Section 19 a. OFFICE OF CORONER. There shall
2 be elected by the qualified voters in each of the Counties
3 of Jackson and St. Louis and the City of St. Louis on the
4 first Tuesday next following the first Monday in November,
5 A. D. 1944, and thereafter every four years a coroner.
6 Such coroners shall serve for four years and until their
7 successors be duly elected and qualified, unless removed
8 for malfeasance in office. Before entering on the duties
9 of their office, they shall give security in the amount and
10 in such manner as shall be prescribed by law, and shall be
11 eligible only four years in any one period.

12 The coroner shall appoint as an assistant, a medical
13 examiner who shall be a duly qualified practitioner of
14 medicine with at least two years postgraduate work in
15 pathology.

Section 19 b. CORONER — VACANCY IN
2 OFFICE. Whenever a vacancy shall happen in the office
3 of coroner in the Counties of Jackson and St. Louis and the
4 City of St. Louis, the same shall be filled for the remainder
5 of the term by the county court in the counties of Jackson
6 and St. Louis and by the Circuit Judges in the City of
7 St. Louis.

8 No person elected or appointed to fill a vacancy in
9 the office of coroner shall thereby be rendered ineligible
10 for the next succeeding term.

(These are new sections, taking the place of former Sections 10 and 11.)

Section 20. 1. Any county now or hereafter having
2 a population of more than eighty-five thousand, according
3 to the last decennial census, may frame and adopt and
4 amend a charter for its own government, as provided in this
5 Article. Upon the adoption of a county charter, such
6 county shall be incorporated and be a body politic.

7 2. Every such charter shall provide the method or
8 methods for its amendment; the form of government of
9 such county; what officers the county shall have, the man-
10 ner of their selection, and their terms of office and their
11 salaries; the exercise of the powers vested in, and the
12 performance of all duties imposed upon, counties and county
13 officers by the constitution and the laws of the State.

14 3. It may provide for the means and method of
15 exercising legislative power and the enforcement of such
16 regulations, in the unincorporated part of such county,
17 as may be thereunder enacted pertaining to public health,
18 police and traffic, building construction, and planning and
19 zoning; and it may provide, and it may authorize its govern-
20 ing body to provide, the terms and conditions upon which
21 such county may assume and perform any of the services
22 and functions performed by any municipality, civil dis-
23 trict or public corporation in said county, except school
24 districts, but no such service or function shall be assumed
25 or performed unless authorized by a majority of the voters
26 of such municipality, civil district or public corporation
27 voting upon the question at an election for that purpose,
28 and the authority to assume or perform any such services
29 or functions may be revoked by such municipality, civil
30 district or public corporation in a similar manner by the
31 voters of such municipality.

32 4. Such county shall have no power to impose any
33 tax except such taxes as it may be authorized to impose

34 by the constitution or by the General Assembly carrying
35 out the provisions of the constitution.
36 5. The General Assembly shall provide such measures
37 as it may deem necessary for fair and free elections in such
38 counties, and, consistent with other provisions of the con-
39 stitution, may provide the number and the salary of the
40 judicial officers provided for in the constitution, and such
41 judicial officers as shall be created by the General Assembly
42 under the constitution, but it shall not create any other
43 office or provide for any other employee or change the
44 salary of any officer or employee of such county.
45 6. Whenever a petition signed by twenty per cent of
46 the qualified voters of such county, based upon the total
47 vote cast for Governor at the last preceding gubernatorial
48 election, shall be filed with the county court or other
49 governing board of such county, requesting that a Commis-
50 sion be appointed to prepare a charter for such county, the
51 officer or board of the county charged by law with the duty
52 of canvassing the election returns shall forthwith canvass
53 said petition, finally determine the sufficiency thereof, and
54 certify the result to said governing board, which board
55 shall thereupon, in writing, notify the judge or judges of
56 the circuit court and the judge of the probate court of the
57 county that said petition has been filed.
58 7. Within sixty days thereafter the judge or judges
59 of the circuit court and the judge of the probate court shall
60 appoint a charter commission to frame a charter, the
61 commission to be composed of fourteen freeholders, to
62 serve without pay. The members of the commission shall
63 be equally divided between the two political parties which
64 cast the greater number of votes for Governor at the last
65 preceding gubernatorial election.
66 8. Any charter framed by such commission shall be
67 submitted to the electors of the county at a special elec-

68 tion held at a time fixed by the charter commission, but
69 not less than thirty (30) days subsequent to the completion
70 of the charter and not more than one year from the date
71 of the selection of such commission. If any such proposed
72 charter be approved by a majority of the electors voting
73 on the proposition at said election, it shall become the
74 charter of such county at the time fixed therein and shall
75 supersede any existing charter or government.

76 9. It shall be the duty of the governing board of said
77 county to cause notice of the election provided for herein to
78 be published for at least three weeks in at least two news-
79 papers of general circulation in such county, such publica-
80 tion of such notice to be made at least once each week in
81 each of said three weeks, the last publication to be not more
82 than three nor less than two weeks before the date of such
83 election.

84 10. Duplicate certificates shall be made, setting
85 forth the charter adopted and its ratification, which shall be
86 signed by the officer or members of the board charged
87 with the duty of canvassing election returns; one of such
88 certified copies shall be deposited in the office of the Secre-
89 tary of State and the other, after being recorded in the
90 records of the county, shall be deposited among the ar-
91 chives of the county and all courts shall take judicial
92 notice thereof. This Section shall apply to any amend-
93 ment to any such charter as it applies to the charter
94 itself.

95 11. All amendments to such charter submitted and
96 approved by a majority of those voting thereon shall be-
97 come a part of the charter at the time and under the con-
98 ditions fixed in the amendment.

99 12. No proposed charter shall be submitted to the
100 electors for adoption within a period of two years following

101 an election at which a proposed charter prepared under the
102 provisions of this section was defeated.

(This is a new section)

Section 21. CHARTER FRAMED BY LARGE
2 CITIES. Any city having a population of more than ten
3 thousand inhabitants may frame and adopt a charter for
4 its own government, consistent with and subject to the
5 Constitution and laws of the State in the following man-
6 ner: The legislative authorities of the city may provide,
7 by ordinance, for submission to the voters the question:
8 "Shall a commission be chosen to frame a charter?" If
9 such ordinance becomes effective more than sixty days
10 before the next election, such question shall be submitted
11 at such election and if not, then at the next general elec-
12 tion thereafter, except as herein otherwise provided. Such
13 question shall also be submitted, when requested, by a
14 petition signed by ten per cent of the qualified voters of
15 such city, filed with the board of election commissioners
16 or such board or officials as may be in charge of municipal
17 elections in such city. If such petition prays for a special
18 election and is signed by twenty per cent of the qualified
19 voters of such city, a special election shall be held in such
20 city not less than sixty days nor more than ninety days,
21 after the filing of such petition. The percentage of electors
22 required to sign any petition provided for herein shall be
23 based upon the total number of electors voting at the last
24 preceding general municipal election. The petitions herein
25 provided for shall be canvassed by the board of election
26 commissioners or other officials having charge of municipal
27 elections in such city, and its determination as to the
28 sufficiency of such petitions shall be final. The question
29 of whether or not a commission shall be chosen to frame
30 a new charter and the names of electors or sets of names

31 of electors of the city, who are candidates for the proposed
32 commission, shall be printed on the same ballot, but no
33 candidate, or list of candidates, shall bear the name,
34 heading or label of any political party which has, prior
35 to such election, had candidates for state or federal offices.
36 Candidates for the proposed commission shall be nomi-
36 nated by petition signed by not less than two per cent of
37 the qualified voters of such city, and filed with the board
38 of election commissioners, or other officials having charge
39 of municipal elections in such city, at least thirty days prior
40 to such election; provided that in no case shall the signa-
41 tures of more than one thousand voters be required to
42 nominate a candidate. If a majority of electors voting
43 on the question of whether or not a charter commission
44 shall be chosen to frame a charter, vote in the affirmative,
45 then the thirteen candidates receiving the highest number
46 of votes shall constitute such commission. Any charter
47 so framed shall be submitted to the electors of the city
48 and an election held at a time fixed by the charter com-
49 mission but at least thirty days subsequent to the com-
50 pletion of the charter and not more than one year from
51 the date of the election of such commission. Any part or
52 parts of a charter so framed may be submitted to be voted
53 upon separately. Any alternative section or article may be
54 presented for the choice of the voters and may be voted on
55 separately and accepted or rejected, separately, without
56 prejudice to other articles or sections of the charter. If
57 a charter is adopted at such election that section or article
58 submitted in the alternative, which receives the greatest
59 number of votes, shall be deemed adopted. If any such
60 proposed charter be approved by a majority of the electors
61 voting on the proposition of whether or not such charter
62 shall be adopted, it shall become the charter of such city
63 at the time fixed therein and shall supersede any existing

64 charter and amendments thereof. Duplicate certificates
65 shall be made, setting forth the charter adopted and its
66 ratification, which shall be signed by the chief magistrate
67 of the city, and authenticated by its corporate seal. One
68 of such certified copies shall be deposited in the office of
69 the Secretary of State and the other, after being recorded
70 in the records of the city, shall be deposited among the
71 archives of the city and all courts shall take judicial notice
72 thereof. The notice for any election provided for in this
73 section shall be published for at least three weeks in some
74 daily or weekly newspaper of general circulation in the
75 city or county where located, and which shall have been
76 admitted to the post office as second class matter, and shall
76a have been regularly and consecutively published for a
77 period of three years, and shall have a list of bona fide
78 subscribers voluntarily engaged or such who have paid or
79 agreed to pay a stated price for a subscription for a definite
80 period of time, such publication of such notice to be made
81 at least once each week and on the same day of the week
82 in each of said three weeks, and the last publication to be
83 within two weeks of the date of such election.

(This is a revision of former Section 16 with slight changes).

Section 22. Amendments of any charter framed and
2 adopted under the authority of section 21 of article IX
3 of this Constitution may be submitted to the electors by a
4 charter commission in the manner provided for the sub-
5 mission of a complete charter. Amendments may also be
6 proposed by the legislative authority of the city or by a
7 petition of not less than ten per cent of the qualified voters
8 of the city, filed with the board of election commissioners,
9 or officials having charge of municipal elections in such
10 city, setting forth such proposed amendment. The legis-
11 lative authorities of the city shall at once provide, by

ordinance, that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election, if called for in the manner proposed for in section 21 of this article. Any proposed amendment submitted to the electors, and approved by a majority of those voting thereon, shall become a part of the city charter at the time and under the conditions fixed in such amendment; and sections or articles may be submitted in the alternative and determined in the same way as hereinbefore provided with reference to alternative sections or articles of a complete charter.

(This is former section 17 revised to recite the proper number of preceding section.)

Section 23. The corporate authorities of any county, city, or other municipal subdivision of this State, having more than two hundred thousand inhabitants, which has already exceeded the limit of indebtedness prescribed in section twelve of Article X of this Constitution, may, in anticipation of the customary annual revenue thereof, appropriate, during any fiscal year, toward the general governmental expenses thereof, a sum not exceeding seven-eighths of the entire revenue applicable to general governmental purposes (exclusive of the payment of the bonded debt of such county, city or municipality) that was actually raised by taxation alone during the preceding fiscal year; but until such excess of indebtedness cease, no further bonded debt shall be incurred, except for the renewal of other bonds.

(This is former Section 19 without change.)

Section 24. The people of the City of St. Louis and the people of the county of St. Louis shall have power (1) to consolidate the territories and governments of said

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4 city and county into one political subdivision under the
5 municipal government of the city of St. Louis; or, (2) to
6 extend the territorial boundaries of the county so as to
7 embrace the territory within the city and to reorganize and
8 consolidate the county governments of said city and county,
9 and adjust their relations as thus united, and thereafter
10 said city may extend its limits in the manner provided by
11 law; or, (3) to enlarge the present or future limits of said
12 city by annexing thereto part of the territory of said county,
13 and to confer upon said city exclusive jurisdiction of the
14 territory so annexed to said city; or, (4) to establish a
15 metropolitan district or districts for the functional admin-
16 istration of services common to the area included therein.
17 The power so given shall be exercised by the vote of the
18 people of said city and county upon a scheme prepared by
19 a board of freeholders consisting of nineteen members,
20 nine of whom shall be electors of said city and nine electors
21 of said county and one an elector of some other county.
22 Upon the filing with the officials in general charge of elec-
23 tions in the city of St. Louis of a petition proposing the
24 exercise of the powers hereby granted, signed by registered
25 voters of the city in such number as shall equal three per
26 cent of the total vote cast in the city, at the last guber-
27 natorial election, for the office of governor, and the certifi-
28 cation thereof by said election officials to the mayor of the
29 city, and to the governor, then, upon the call of the mayor,
30 within ten days after said certification, the mayor and the
31 judges of the circuit court of the city, upon such call, shall
32 assemble, in joint session, at the city hall of said city, and
33 proceed to appoint the city's nine members of said board of
34 freeholders, not more than five of whom shall be members
35 of or affiliated with the same political party. Each member
36 so appointed shall be given a certificate certifying his ap-
36a pointment as a member of said board of freeholders and

37 signed by the mayor and attested by the seal of the city.
38 Upon the filing with the officials in general charge of elec-
39 tions in the county of a similar petition proposing the exer-
40 cise of such powers, signed by registered voters of the
41 county, in such number as shall equal three per cent of the
42 total vote case in St. Louis county at the last general elec-
43 tion, for the office of governor, and the certification thereof
44 by said county election officials to the presiding judge of
45 the circuit court of said county and to the governor, the
46 judges of the circuit court, probate court and county
47 court, or other governing body, of said county within ten
48 days after said certification, and upon the call of said pre-
49 siding judge, shall assemble, in joint session, at the court
50 house of said county, and proceed to appoint the county's
51 nine members of said board of freeholders, not more than
52 five of whom shall be members of or affiliated with the same
53 political party. Each member so appointed shall be given
54 a certificate certifying his appointment as a member of
55 said board of freeholders and signed by said presiding judge
56 and attested by the seal of said circuit court.

57 Upon the certification to him of the filing of such
58 similar petitions by the officials in general charge of
59 elections of the city and the county, the governor shall
60 appoint one member of the board of freeholders who shall
61 be a resident of the state, but shall not reside either in the
62 city or the county, who shall be given a certificate certifying
63 his appointment as a member of said board of freeholders,
64 signed by the governor and attested by the seal of the State.
65 The freeholders selected from the City and County of St.
66 Louis shall fix reasonable compensation and expenses for
67 said freeholder so appointed by the Governor and such cost
68 shall be borne equally by the City and County. The
69 appointment of said board of freeholders shall be com-
70 pleted within thirty days after the certification of the filing

71 of the aforesaid petition, and at ten o'clock on the second
72 Monday after their appointment the members of said
73 board shall meet in the chamber of the board of aldermen,
74 at the city hall, in said city and shall proceed with the
75 discharge of their duties as members of said board, and
76 shall meet at such other times and places as shall be agreed
77 upon. It shall be the duty of said board of freeholders to
78 prepare and propose a scheme for the execution of the
79 powers herein granted and for the adjustment of all mat-
80 ters and issues arising thereunder. The members of said
81 board of freeholders shall receive no compensation for their
82 services as members of said board, but the necessary ex-
83 penses of said board in the performance of its duties shall
84 be pa'd one-half out of the treasury of the county of St.
85 Louis and one-half out of the treasury of the city of St.
86 Louis on vouchers signed by the chairman of said board.
87 The scheme shall be signed in duplicate by said board or a
88 majority of them, and one copy shall be returned to the
89 officials having general charge of elections in said city, and
90 the other to the officials having general charge of elections
91 in said county, within one year after the appointment of
92 said board. Said election officials shall cause separate
93 elections to be held in said city and county, on the day
94 prescribed by said freeholders, at which such scheme shall
95 be submitted to the qualified voters of said city and county
96 respectively. Said elections shall not be less than ninety
97 days after the filing of such scheme with said officials, and
98 not on or within seventy days of any state or county pri-
99 mary or general election day in said city or county. Any
100 such scheme shall provide for the assessment and taxation
101 of real estate in accordance with the use to which it is
102 being put at the time of such assessment, whether agri-
103 cultural, industrial or other use, giving due regard to the
104 other provisions of this Constitution. No election to sub-

mit any scheme authorized hereunder shall be held more often than once in five years. If a majority of the voters of the city and a majority of the voters of the county voting at said separate elections shall adopt said scheme, then, at such time as shall be prescribed therein, the same shall become the organic law of the territory therein defined, and shall take the place of and supersede all laws, charter, provisions and ordinances inconsistent therewith relating to said territory. If such scheme be adopted, copies thereof, certified to by said officers having charge of elections in said city and county, shall be deposited in the office of the Secretary of State and recorded in the office of the recorder of deeds for said city, and in the office of the recorder of deeds of the present St. Louis county, and the courts of this state shall take judicial notice thereof.

(This is in lieu of old Section 26 and represents a committee substitute for Proposals 96, 97, 118, 165, 195, and 350.)

Section 25. The City of St. Louis, as now existing, is recognized both as a city and as a county unless otherwise changed in accordance with the provisions of this Constitution. As a city it shall continue for municipal purposes with its present charter, subject to changes and amendments permitted or provided by the Constitution or by law, and with the powers, organization, rights and privileges permitted by this Constitution or provided by law.

(This is a new section.)

Section 26. CHARTER OF ST. LOUIS, HOW AMENDED AND REVISED: The Charter of said city, now existing, or as hereafter amended or revised, may be amended from time to time by proposals therefor submitted by the law-making authorities of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such pro-

7a posals, and accepted by three-fifths of the qualified voters
8 voting for or against each of said amendments so sub-
9 mitted. Any such amendments so accepted shall immedi-
10 ately take effect, except as therein otherwise provided.

11 The law-making authorities of such city may order an
12 election by the qualified voters of the city of a board of
13 thirteen freeholders of such city to prepare a new or revised
14 Charter of such city, which shall be in harmony with the
15 Constitution and laws of the state, and shall provide, among
16 other things for a chief executive and a house or houses
16 of legislation to be elected by general ticket or by wards.
16 Such new or revised Charter shall be submitted to the
17 qualified voters of such city at an election to be held not
18 less than twenty nor more than thirty days after the order
19 therefor, and if a majority of such qualified voters voting
20 at such election ratify said new or revised Charter, then
21 said Charter shall become the organic law of such city
22 and shall take effect, except as otherwise therein provided,
23 sixty days thereafter, and supersede the old Charter of said
24 city and amendments thereto.
(This is a revision of former Section 22.)

Section 27. AMENDMENTS AND NEW OR RE-
2 VISED CHARTER HOW AUTHENTICATED—JU-
3 DICIAL NOTICE: Copies of any new or revised Charter,
4 or of any amendments to the present, or to any new or
5 revised Charter, with a certificate thereto appended, signed
6 by the chief executive and authenticated by the seal of
7 said City, setting forth the submission to and ratification
8 thereof, by the qualified voters of the city shall be made in
9 duplicate, one of which shall be deposited in the office of
10 the Secretary of State, and the other, after being recorded
11 in the office of the Recorder of Deeds of the City, shall be

12 deposited among the archives of the city, and thereafter all
13 courts of this state shall take judicial notice thereof.

(This is a revision of former Section 21.)

Section 28. All laws, organic or otherwise, relating to
2 the county of St. Louis or the City of St. Louis in force
3 at the time of the adoption of this article shall remain in
4 full force and effect until altered or repealed by law or
5 by the exercise of the powers conferred by this Consti-
6 tution.

(This is a new section.)

Amendment of Delegate Alroy S. Phillips to Committee Substitute for Proposals 95, 96, 118, 165, 195, and 350 failed of adoption.

Amendment of Delegate Stratford Lee Morton to the same, also failed of adoption.

The Petition of Mr. Laughlin, and all Proposals referred to the Committee are herewith returned to the Convention, properly endorsed.

Several of the matters referred to this Committee were highly controversial, and many of the members had decided opinions upon them which were not materially changed by the hearings and discussions of the Committee.

The Chairman wishes to express his sincere appreciation of the friendly attitude of all members and of their earnest efforts to give full considerations to all matters before us.

In particular, thanks is expressed for the splendid work of all sub-committees, and to Dr. William L. Bradshaw, who as Chairman of Committee No. 9 co-operated fully with us, and

who at all times rendered material assistance in the efforts of our Committee.

Respectfully submitted,

CLEM F. STORCKMAN
**EVERETT HULLVERSON
*JAMES P. FINNEGAN
*STRATFORD LEE MORTON
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**GEORGE F. HEEGE
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MRS. CARL A. CROME
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THOMAS C. HENNINGS, SR.
JACOB L. BABLER
M. E. GOUGE
A. EVAN HUGHES, Chairman.

**Everett Hullverson—With reservations and Minority Report No. 2.

*James P. Finnegan—With reservations.

*Stratford Lee Morton—With reservations.

*John T. Opie—With reservations.

*William H. Allen—With reservations.

**George F. Heege—With reservations and Minority Report No. 1.

**Jones H. Parker—With reservations and Minority Report No. 2.

REMARKS

Section 12 a. is a committee substitute for Proposals 16, 29, and 137. It proposes to eliminate the retention of fees by public officials in the City of St. Louis and in counties of 100,000 or more, and to limit the compensation of such officers to the salaries provided by law.

Section 14 a. is a committee substitute for Proposal 129, and provides for co-operative performance of functions or services in a limited number of contiguous counties, and for the allocation of the costs and benefits.

Section 16. is a committee substitute for Proposal 67 and provides for centralized purchasing of City or County supplies.

Section 17 a and b. are committee substitutes for Section 3, 4, and 5 of proposal 298.

17 a. provides for agreements with the State, or with other States or parts thereof, or with the United States for co-operative administration of functions.

17 b. provides for agreements wholly within the State, or with other States for Airport facilities.

Section 18. is a revision of proposal 336, and provides for condemnation of property in so-called blighted areas and provides that fee simple title shall vest in the purchasers of such lands.

Section 19 a. provides for the election of a coroner in the City of St. Louis and the Counties of St. Louis and Jackson, and further provides for the appointment of a pathologist as an assistant.

Section 19 b. provides for filling the office of Coroner in the event of a vacancy and further provides that such appointee shall not be ineligible for the next succeeding term.

Section 20. is a substitute for Proposals 95, 156, 194, and 374 and makes it possible for Counties of 85,000 or more to adopt a charter form of government.

Section 21. is a revision of former Section 16, which makes it possible for cities to adopt a charter form of government. The Committee adopted the change suggested in Proposal 202 which lowered the minimum population from 100,000 to 10,000, and struck out, that portion of the requirement about notice, reading "at least one newspaper published in said city and which has been published continuously for fifty-two weeks next before the publication of such notice, and if no such newspaper be published in such city then in such newspaper published in the same county in which said city is located and of general circulation in such city" and substituted the words, "some daily or weekly newspaper of general circulation in the City or County where located, and which shall have been admitted to the post office as second class matter, and shall have been regularly and consecutively published for a period of three years, and shall have a list of bona fide subscribers voluntarily engaged or such who have paid or agreed to pay a stated price for a subscription for a definite period of time."

Proposal 226 was also considered in connection herewith.

Section 22. This is former Section 17. No change.

Section 23. This is former Section 19. No change.

Section 24. is a committee substitute for Proposals 96, 97, 118, 165, 195, and 350, and takes the place of former Section 26. It provides methods for the consolidation of the City and County of St. Louis.

Section 25. is a new section, and provides that St. Louis shall be recognized both as a City and as a County. And that as a City it shall continue for municipal purposes under its charter.

Section 26. is a committee revision of former Section 22, and provides for amendment and revision of the Charter of St. Louis.

Section 27. is a committee revision of former Section 21, and provides for authentication of amendments, and of new or revised charters and for judicial notice thereof.

Section 28. is a saving section designed to preserve the benefits of any provisions of scheme and Charter under which separation occurred and which may still be effective. See latter part of Section 20 that "such scheme shall become the organic law of the county and city and such charter, the organic law of the city."

Former Section 18 is replaced by a revised Section numbered 15 in the File of Committee No. 9.

Much of the substance of former Sections 20, 23, 24, and 25 were considered obsolete by the Committee. Such portions as were considered applicable were included in the new sections.

A. EVAN HUGHES, Chairman.

MINORITY REPORT NO. 1.

I, the undersigned, cannot agree to the Majority Report of the Committee as contained in Committee Substitute for Proposals No. 95, 96, 118, 165, 195, and 350, for the reason that the method and matter contained in said Committee Substitute are wholly unnecessary, impractical and unjust.

There is now contained in the Constitution of Missouri a provision which is eminently fair and just, which is known as Section 26 of Article IX and which reads as follows:

Section 26. Consolidation of St. Louis City and county, or extension of boundaries permitted.—The people of the city of St. Louis and the county of St. Louis shall have power (1) to consolidate the territories and governments of said city and county into one legal subdivision under the municipal government of the city of St. Louis; or, (2) to extend the territorial boundaries of the county so

8 as to embrace the territory within the city and to reor-
9 ganize and consolidate the governments of said city and
10 county, and adjust their relations as thus united, and
11 thereafter said city may extend its limits in the manner
12 provided in Article 22, Chapter 38, Revised Statutes,
13 1939, or as may otherwise be provided by law; or, (3) to
14 enlarge the present or future limits of said city by annexing
15 thereto part of the territory of said county, and to confer
16 upon said city exclusive jurisdiction of the territory so
17 annexed to said city. The power so given to the people of
18 said city and county of St. Louis shall be exercised in the
19 manner and upon the following conditions, that is to say:
20 The mayor, and the judges of the circuit court of the city
21 and the judges of the circuit, probate and county courts of
22 the county shall appoint a board of freeholders consisting
23 of eighteen members, nine of whom shall be electors of
24 said city and nine electors of said county to be selected
25 as follows: upon the filing with the officials in general
26 charge of elections in the city of a petition therefor signed
27 by registered voters of the city in such number as shall
28 equal three per cent of the total vote cast in the city, at the
29 last general election, for the office of governor, and the
30 certification thereof by said election officials to the mayor
31 of the city, the mayor and the judges of the circuit court
32 of the city, upon the call of the mayor, within ten days
33 after said certification, shall assemble, in joint session, at
34 the city hall, of said city, and proceed to appoint the city's
35 nine members of said board of freeholders, not more than
36 five of whom shall be members of or affiliated with the same
37 political party. Each member so appointed shall be given
38 a certificate certifying his appointment as a member of
39 said board of freeholders and signed by the mayor and
40 attested by the seal of the city. Upon the filing with the
41 officials in general charge of elections in the county of a

42 similar petition signed by registered voters of the county,
43 in such manner as shall equal three per cent of the total
44 vote cast in St. Louis county, at the last general election,
45 for the office of governor, and the certification thereof by
46 said county election officials to the presiding judge of
47 division No. 1 of the circuit court of said county, the
48 judges of the circuit, probate and county courts of said
49 county within ten days after said certification, and upon
50 the call of said presiding judge, shall assemble, in joint
51 session, at the court house of said county, and proceed to
52 appoint the county's nine members of said board of free-
53 holders, not more than five of whom shall be members of
54 or affiliated with the same political party. Each member
55 so appointed shall be given a certificate certifying his ap-
56 pointment as a member of said board of freeholders and
57 signed by said presiding judge and attested by the seal of
58 said circuit court. The appointment of said board of free-
59 holders shall be completed within thirty days after the
60 certification of the filing of the aforesaid petitions, and at
61 ten o'clock on the second Monday after their appointment
62 the members of said board shall meet in the chamber of the
63 board of aldermen, at the city hall, in said city, and shall
64 proceed with the discharge of their duties as members of
65 said board, and shall meet at such other times and places
66 as shall be agreed upon. It shall be the duty of said board
67 of freeholders to prepare and propose a scheme for the
68 consolidation of said city and county, or the inclusion within
69 the county of the territory within the city, or the annexa-
70 tion to said city of part of the territory of said county,
71 and to adjust all other matters and issues that may be
72 necessary to effect either of said purposes. The members
73 of said board of freeholders shall receive no compensation
74 for their services as members of said board, but the neces-
75 sary expenses of said board in the performance of its duties

76 shall be paid one-half out of the treasury of the county of
77 St. Louis on vouchers signed by the chairman of said
78 board. The scheme shall be signed in duplicate by said
79 board or a majority of them, and one copy shall be returned
80 to the officials having general charge of elections in said
81 city, and the other to the officials having general charge
82 of elections in said county, within one year after the ap-
83 pointment of said board. Within thirty days thereafter,
84 said election officials shall cause separate elections to be
85 held in said city and county, on the day prescribed by
86 said freeholders, which shall not be less than ninety nor
87 more than one hundred and eighty days after the filing of
88 such scheme with said officials, at which such scheme shall
89 be submitted to the qualified voters of said city and county
90 respectively. Any such scheme shall not be submitted
91 oftener than once in five years. If a majority of the voters
92 of the city and a majority of the voters of the county
93 voting at said separate elections shall ratify said scheme,
94 then, at such time as shall be prescribed therein, the same
95 shall become the organic law of the territory therein de-
96 fined, and shall take the place of and supersede all laws,
97 charter, provisions and ordinances inconsistent therewith
98 relating to said territory. If such scheme be adopted,
99 certified to by said officers having charge of elections in said
100 city and county, shall be deposited in the office of the
101 secretary of state and recorded in the office of the recorder
102 of deeds for said city, and in the office of the recorder of
103 deeds of the present St. Louis county, and the courts of
104 this state shall take judicial notice thereof.

105 I recommend a re-adoption of Section 26 of Article IX
106 of the present constitution, because if the people in the
107 city and county want to become consolidated they can
108 do so without waiting and on the basis of equal representa-
109 tion.

The fourth ground for consolidation in the committee substitute is not acceptable to me because it is vague, indefinable and is a fertile field for abuse and protracted litigation. The appointment of a 19th freeholder is especially objectionable because it is a violation of the principle of home rule, and will bring into an already complex situation a mind from out of the state, totally unacquainted with conditions purely local and extremely provincial.

I therefore recommend to the convention that committee substitute be rejected and that Section 26 of Article IX of the present constitution of Missouri be retained in all its potency and vigor.

GEORGE F. HEEGE

MINORITY REPORT NO. 2

We, the undersigned, a minority of the members of the Committee on Local Government (City of St. Louis, St. Louis County, and Jackson County), No. 8, respectfully submit a minority report as follows:

We cannot agree to the majority report of the Committee as contained in Committee Substitutes for Proposals Nos. 96, 118, 165, 195, 257 and 350, for the reason that there is already contained in the Constitution of Missouri a provision which would answer the same purposes as the suggested provision offers. Section 26 of Article IX is substantially the same as the majority report with the exception that there is a fourth provision, which is so vague and indefinite that much litigation would ensue as a result of its attempted definition. The fourth proposition, in our opinion, could be worked out, if at all workable, without any constitutional provision.

The only other ground of distinction between the proposed majority report on this subject and the present constitutional provision is the provision that a nineteenth

Freeholder be appointed. In the judgment of your minority, it is immaterial whether there be an extra Freeholder or twenty extra Freeholders, or whether the City of St. Louis be permitted eighteen Freeholders and the County of St. Louis permitted one Freeholder. In the end, some one of the plans would have to be proposed and then the entire county and the entire city would have to vote upon the adoption of such plan. It is therefore clear that the provision for the one extra Freeholder represents more an effort to delude than an effort to arrive at the answer to a basic problem.

There have been two attempts made to have plans for the extension of the boundaries of St. Louis adopted by the people of St. Louis County. Both plans have been overwhelmingly defeated by the county residents. It must appear to any reasonable person that any plan which will require the entire vote of the County of St. Louis for even a very moderate extension of the boundaries of St. Louis would meet with total defeat.

In the opinion of your minority, therefore, if this Convention is to do anything for the relief of the boundary problem of St. Louis, it must do so by constitutional provision which will require a vote of only those parts of St. Louis County to be affected, or it must do so by permitting the City of St. Louis to extend its boundaries in exactly the same manner as it would be permitted to extend its boundaries were it still a part of St. Louis County. Other cities, regardless of size, are permitted to extend their boundaries. There should be no discrimination against the City of St. Louis in this respect. We believe the adoption of Proposal No. 350 would best serve the real interest of the citizenry of the State of Missouri and that the interest of St. Louis City or St. Louis County are not paramount

and should not be considered before the interest of the citizenry of the State as a whole.

We recognize, however, the feeling of the Delegates that the result of the adoption of Proposal No. 350 would be to unduly impair the integrity of the County boundary lines. We defer to that feeling. We feel, also, that there might be objection raised on the theory that St. Louis was attempting to gobble the taxable wealth of St. Louis County. Respecting the feeling of those Delegates with such ideas, we are willing to suggest a substitute which would merely give to St. Louis the right to extend its boundaries as is provided for in the case of cities within a county.

The undersigned are confident that this Convention is willing to accord the City of St. Louis the same privileges of extension of boundaries as are accorded any other city within a county. No constitutional provision is required for cities within a county to extend their boundaries; St. Louis being considered a city for city purposes and a county for county purposes, it would require a constitutional provision for St. Louis.

EVERETT HULLVERSON
JONES H. PARKER

Members of the Committee.

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FILE NO. 12

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE IX

Reported from the Committee on Local Government (City of St. Louis, St. Louis County and Jackson County).—No. 8, March 9, 1944, with recommendation that the Committee Substitute for Proposals Nos. 16, 29, 67, 96, 97, 118, 129, 137, 165, 194, 195, Sections 3, 4, 5, of 298, 336, 350 be adopted; Proposals Nos. 257 and 279 be rejected; Proposals Nos. 62 and 252 withdrawn by authors.

Taken up May 18, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 18, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment August 10, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE IX

LOCAL GOVERNMENT (CITY OF ST. LOUIS, ST. LOUIS COUNTY, AND JACKSON COUNTY).

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 12 respectfully reports that it has examined the report of Committee No. 8 on Local Government (City of St. Louis, St. Louis County, and Jackson County), and all amendments thereto, and it herewith reports said file as adopted by the Convention on May 18, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

FILE NO. 12

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE IX

LOCAL GOVERNMENT (CITY OF ST. LOUIS, ST. LOUIS COUNTY, AND JACKSON COUNTY)

As Adopted by the Convention

Section 12a. EVERY public officer in the City of St. Louis and EVERY state and county officer in counties IN THIS STATE WHICH CONTAIN OR MAY HEREAFTER CONTAIN 100,000 POPULATION or more, excepting Public Administrators and Notaries Public, shall be compensated for their services by salaries only.

As Suggested by the Committee

Section 16. All public officers in the City of St. Louis and all state and county officers in counties having 100,000 or more inhabitants, excepting public administrators and notaries public, shall be compensated for their services by salaries only.

(Changes. Omission of bold faced words.
Substitution of "all" for "every" and of "inhabitants" for "population".
Change of section number from 12a to 16).

Section 14a. The qualified VOTERS of any counties, not exceeding ten, WHOSE TERRITORY IS contiguous, may AUTHORIZE SUCH COUNTIES TO ACT TOGETHER in performing any function or service common TO ALL OF SAID

Section 17. By vote of a majority of the qualified electors voting thereon in each county affected, any contiguous counties, not exceeding ten, may join in performing any common function or service, including the purchase, construction and mainte-

COUNTIES, including the building and maintenance of hospitals, alms houses, purchase of road machinery, the purchase and maintenance of any other property WHICH ANY OF THE COUNTIES IS AUTHORIZED TO BUILD, MAINTAIN OR OWN, AND WHERE EACH OF SAID COUNTIES IS AUTHORIZED TO EMPLOY an officer or employee TO PERFORM SERVICES FOR IT, THEN ALL OF SAID COUNTIES may join in employing SUCH PERSON TO PERFORM SUCH SERVICES FOR all of said counties, PROVIDED THAT A MAJORITY OF THE QUALIFIED VOTERS OF EACH OF SAID COUNTIES, VOTING THEREON AT separate elections, APPROVE THE EXERCISE OF SAID AUTHORITY.

The county courts OF THE PARTICIPATING COUNTIES shall administer the delegated powers and allocate the costs among THE PARTICIPATING counties. Any county by a majority of its qualified voters voting on the question, may withdraw from such joint participation.

Section 17. Any municipality or political subdivision of this state may contract and cooperate nance of hospitals, alms houses, road machinery and any other county property, and by separate vote may join in the common employment of any county officer or employee common to each of the counties. The county courts shall administer the delegated powers and allocate the costs among the counties. Any county may withdraw from such joint participation by vote of a majority of its qualified electors voting thereon.

(Changes. Section rewritten with omission of bold faced words and insertion of "purchase".

Change of section number from 14a to 17.)

Section 18. Any municipality or political subdivision of this state may contract and cooperate

with other municipalities or political subdivisions thereof, or with other states or their municipalities or political subdivisions, or with the United States, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service, in SUCH manner AS MAY BE provided by law.

with other municipalities or political subdivisions thereof, or with other states or their municipalities or political subdivisions, or with the United States, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service, in the manner provided by law.

(Changes. Omission of bold faced words.
Substitution of "the" for "such".
Change of section number from 17 to 18.)

Section 18. THE GENERAL ASSEMBLY SHALL HAVE POWER to provide by law and any city or county operating under a SPECIAL charter may provide by ordinance, for the clearance, replanning, reconstruction, redevelopment and rehabilitation of blighted, substandard or insanitary areas, and for recreational and other facilities incidental or appurtenant thereto, and THEY MAY CONDEMN OR permit THE CONDEMNATION of property for such purposes, and when so ACQUIRED, the owner of such property shall be INVESTED with the fee simple title thereto, and may sell or otherwise dispose of such property subject to

Section 19. Laws may be enacted, and any city or county operating under a constitutional charter may enact ordinances, providing for the clearance, replanning, reconstruction, redevelopment and rehabilitation of blighted, substandard or insanitary areas, and for recreational and other facilities incidental or appurtenant thereto, and for taking or permitting the taking, by eminent domain, of property for such purposes, and when so taken the fee simple title to the property shall vest in the owner, who may sell or otherwise dispose of the property subject to such restrictions as may be deemed in the public interest.

such restrictions as may be deemed in the public interest.

(Changes. Omission of bold faced words.

Substitution of "Laws may be enacted" for "The General Assembly shall have power", of "constitutional" for "special", of "taking, by eminent domain" for "condemn", of "taken" for "acquired", and of "vested" for "invested".

Change of section number from 18 to 19.)

Section 20. 1. Any county NOW OR HEREAFTER HAVING A POPULATION OF more than eighty-five thousand, according to the LAST DECENNIAL census, may frame and adopt and amend a charter for its own government, as provided in this Article. Upon the adoption OF A COUNTY CHARTER, SUCH COUNTY shall be THEREBY INCORPORATED and BE A body politic.

Section 20 (a). Any county having more than 85,000 inhabitants, according to the census of the United States, may frame and adopt and amend a charter for its own government as provided in this article, and upon such adoption shall be a body corporate and politic.

(Changes. Omission of bold faced words.

Substitution of "United States" for "last decennial", and of "corporate" for "thereby incorporated".

Change of section number from 20.1 to 20 (a).)

2. EVERY SUCH charter shall provide THE METHOD OR METHODS for its amendment; the form of government OF SUCH COUNTY; WHAT officers THE COUNTY SHALL HAVE, THE manner of THEIR selection, AND THEIR terms of

Section 20 (b). The charter shall provide for its amendment, for the form of the county government, the number, kinds, manner of selection, terms of office and salaries of the county officers, and for the exercise of all powers and duties of counties and

office and THEIR salaries; the exercise of the powers VESTED IN, AND THE PERFORMANCE OF ALL DUTIES IMPOSED UPON, counties and county officers by the constitution and the laws of the State.

county officers prescribed by the Constitution and laws of the state.

(Changes. Omission of bold faced words.

Substitution of "the" for "every such", of "the county" for "of such county", of "number, kinds" for "what officers the county shall have", of "all" for "the", and of "prescribed by" for "vested in and the performance of * * * imposed upon."

Change of section number from 20.2 to 20 (b).)

3. IT may provide for THE MEANS AND METHOD OF exercising LEGISLATIVE POWER AND THE ENFORCEMENT OF SUCH REGULATIONS, in the county outside of THE INCORPORATED MUNICIPALITIES AS MAY BE THEREUNDER ENACTED pertaining to public health, police and traffic, building construction, and planning and zoning; and it may provide, AND IT MAY authorize its governing body to provide, the terms AND CONDITIONS upon which SUCH county MAY ASSUME AND perform any of the services and functions PERFORMED BY any municipality, CIVIL DISTRICT OR PUBLIC COR-

Section 20 (c). The charter may provide for the vesting and exercise of legislative power pertaining to public health, police and traffic, building construction, and planning and zoning, in the part of the county outside incorporated cities; and it may provide, or authorize its governing body to provide, the terms upon which the county shall perform any of the services and functions of any municipality, or political subdivision in the county, except school districts, when accepted by vote of a majority of the qualified electors voting thereon in the municipality or subdivision, which acceptance may be revoked by like vote.

PORATION in said county, except school districts, BUT NO SUCH SERVICE OR FUNCTION SHALL BE ASSUMED OR PERFORMED UNLESS AUTHORIZED BY a majority of the voters of such municipality, CIVIL DISTRICT OR PUBLIC CORPORATION voting UPON THE QUESTION AT AN ELECTION FOR THAT PURPOSE, AND THE AUTHORITY TO ASSUME OR PERFORM ANY SUCH SERVICES OR FUNCTIONS may be revoked by such municipality, CIVIL DISTRICT OR PUBLIC CORPORATION in a SIMILAR MANNER by the voters of such municipality.

(Changes. Section rewritten with omission of bold faced words and substitution of other words. Change of section number from 20.3 to 20 (c).)

4. SUCH county shall HAVE NO POWER TO impose ANY TAX EXCEPT such taxes as it MAY BE authorized to impose by the constitution or by THE GENERAL ASSEMBLY CARRYING OUT THE PROVISIONS OF THE CONSTITUTION.

Section 20 (d). The county shall only impose such taxes as it is authorized to impose by the Constitution or by law.

(Changes. Section rewritten with omission of bold faced words and insertion of other words. Change of section number from 20.4 to 20 (d).)

5. THE GENERAL ASSEMBLY SHALL PROVIDE SUCH MEASURES AS IT MAY DEEM NECESSARY FOR FAIR AND free elections in such counties, and, CONSISTENT WITH

Section 20 (e). Laws shall be enacted providing for free and open elections in such counties, and laws may be enacted providing the number and salaries of the judicial officers therein as provided by this

OTHER PROVISIONS OF THE CONSTITUTION, may provide the number and the salary of the judicial officers PROVIDED for IN THE constitution, AND SUCH JUDICIAL OFFICERS AS SHALL BE CREATED BY THE GENERAL ASSEMBLY UNDER THE CONSTITUTION, but it shall not CREATE any other office or provide for any other employee or CHANGE the salary of any officer or employee of SUCH county.

Constitution and by law, but no law shall provide for any other office or employee of the county or fix the salary of any of its officers or employees.

(Changes. Section rewritten with omission of bold faced words and substitution of other words.

Change of section number from 20.5 to 20 (e).)

6. Whenever a petition signed by twenty per cent of the qualified VOTERS of SUCH county, BASED UPON the total vote CAST for Governor at the last preceding GUBERNATORIAL election, SHALL BE filed with the county court or other governing BOARD OF such county, REQUESTING THAT a Commission BE APPOINTED TO PREPARE A CHARTER FOR SUCH COUNTY, the OFFICER OR BOARD OF THE COUNTY CHARGED BY LAW WITH THE DUTY OF Canvassing the election returns shall forthwith CANVASS SAID PETITION, finally determine the sufficiency thereof, and certify the result to SAID governing board, which BOARD shall thereupon, IN WRITING, NOTIFY the JUDGE OR judges of the

Section 20 (f). Whenever a petition for a commission, signed by qualified electors of the county numbering twenty percent of the total vote for governor in the county at the last preceding general election, is filed with the county court or other governing body, the officer or body canvassing election returns shall forthwith finally determine the sufficiency thereof and certify the result to the governing body, which shall give immediate written notice of the petition to the circuit and probate judges of the county.

(Changes. Section rewritten with omission of bold faced words and substitution of other words.

Change of section number from 20.6 to 20 (f).)

circuit COURT and the JUDGE OF THE probate court of the county THAT SAID PETITION HAS BEEN FILED.

7. Within sixty days thereafter THE JUDGE OR judges OF THE CIRCUIT COURT AND THE JUDGE OF THE PROBATE COURT shall appoint a CHARTER commission to frame A charter, THE COMMISSION TO BE composed of fourteen freeholders, to serve without pay. THE MEMBERS OF THE COMMISSION shall be equally divided between the two political parties WHICH CAST the greater number of votes for Governor at the last preceding GUBERNATORIAL election.

8. ANY charter framed by such commission SHALL BE SUBMITTED to the electors of the county at a special election held at a time fixed by the CHARTER commission, but not less than thirty (30) days SUBSEQUENT to the completion of the charter and not more than one year from the DATE of the selection of such commission. Any PART OR parts of A charter SO FRAMED may be submitted TO BE voted upon separately. Any alternative section or article MAY BE PRESENTED FOR the

Section 20 (g). Within sixty days thereafter said judges shall appoint a commission to frame the charter, consisting of fourteen freeholders who shall serve without pay and be equally divided between the two political parties casting the greater number of votes for governor at the last preceding general election.

(Changes. Section rewritten with omission of bold faced words and substitution of other words.

Change of section number from 20.7 to 20 (g).)

Section 20 (h). The charter framed by the commission shall take effect on the day fixed therein and shall supersede any existing charter or government, if approved by vote of a majority of the qualified electors of the county voting thereon at a special election held on a day fixed by the commission and not less than thirty days after the completion of the charter nor more than one year from the day of the selection of the commission. The commission may submit for separate vote any parts of the charter, or

CHOICE OF THE VOTERS AND may be voted on separately and ACCEPTED OR REJECTED SEPARATELY, WITHOUT PREJUDICE TO OTHER ARTICLES OR SECTIONS OF THE CHARTER. If A CHARTER IS ADOPTED AT SUCH ELECTION that section or article submitted in the alternative, which receives the GREATEST number of votes, shall be DEEMED ADOPTED. IF ANY SUCH PROPOSED CHARTER BE approved by a majority of the electors voting on THE PROPOSITION at said election, it shall BECOME THE CHARTER OF SUCH COUNTY at the TIME fixed therein and shall supersede any existing charter or government.

any alternative sections or articles, and the alternative sections or articles receiving the larger affirmative vote shall prevail if a charter is adopted.

(Changes. Section rewritten with omission of bold faced words and substitution of other words. Change of section number from 20.8 to 20 (h).)

9. IT SHALL BE THE DUTY OF THE GOVERNING BOARD OF SAID COUNTY TO CAUSE notice of the election PROVIDED FOR HEREIN to be published for at least three weeks in at least two newspapers of general circulation in SUCH county, SUCH PUBLICATION OF SUCH NOTICE TO BE MADE at least once each week in each of said three weeks, the last publication to be not more than three nor less than two weeks before THE DATE of SUCH election.

Section 20 (i). The body canvassing election returns shall publish notice of the election at least once a week for at least three weeks in at least two newspapers of general circulation in the county; the last publication to be not more than three nor less than two weeks next preceding the election.

(Changes. Section rewritten with omission of bold faced words and substitution of other words. Substitution of "body canvassing election returns" for "governing board".

Change of section number from 20.9 to 20 (i).)

10. Duplicate certificates shall be made, setting forth the charter adopted and its ratification, WHICH SHALL BE signed by the officer or members of the BOARD CHARGED WITH THE DUTY OF canvassing election returns; one of such certified copies shall be deposited in the office of the Secretary of State and the other, after being recorded in the records of the county, shall be deposited among the archives of the county and all courts shall take judicial notice thereof. This Section shall apply to any amendment to ANY SUCH charter AS IT APPLIES TO THE CHARTER ITSELF.

Section 20 (j). Duplicate certificates shall be made, setting forth the charter adopted and its ratification, signed by the officer or members of the body canvassing election returns; one of such certified copies shall be deposited in the office of the secretary of state and the other, after being recorded in the records of the county, shall be deposited among the archives of the county and all courts shall take judicial notice thereof. This section shall also apply to any amendment to the charter.

(Changes. Omission of bold faced words and substitution of other words.

Change of section number from 20.10 to 20 (j).)

11. All amendments to such charter SUBMITTED AND approved by A MAJORITY OF THOSE VOTING THEREON shall become a part of the charter at the time and under the conditions fixed in the amendment.

Section 20 (k). All amendments to such charter approved by the voters shall become a part of the charter at the time and under the conditions fixed in the amendment.

(Changes. Omission of bold faced words and substitution of "voters".

Change of section number from 20.11 to 20 (k).)

12. No PROPOSED charter shall be submitted to the electors FOR ADOPTION within A PERIOD OF two years following AN election at which a PROPOSED charter PREPARED UNDER THE PROVISIONS OF THIS SECTION was defeated.

Section 20 (l). No charter shall be submitted to the electors within the two years next following the election at which a charter was defeated.

(Changes. Omission of bold faced words and substitution of other words.

Insertion of "next".

Change of section number from 20.12 to 20 (l).

Section 21. Any city having A POPULATION OF more than ten thousand inhabitants may frame and adopt a charter for its own government, consistent with and subject to the Constitution and laws of the State in the following manner: The legislative AUTHORITIES of the city may PROVIDE, by ordinance, FOR SUBMISSION to the voters the question: "Shall a commission be chosen to frame a charter?" If SUCH ordinance BECOMES effective more than sixty days before the next election, SUCH question shall be submitted at such election and if not, then at the next general election thereafter, except as herein otherwise provided. SUCH question shall also be submitted, WHEN REQUESTED, BY a petition signed by ten per cent of the qualified VOTERS of SUCH city, filed with

Section 21. Any city having more than 10,000 inhabitants may frame and adopt a charter for its own government, consistent with and subject to the Constitution and laws of the state, in the following manner. The legislative body of the city may, by ordinance, submit to the voters the question: "Shall a commission be chosen to frame a charter?" If the ordinance takes effect more than sixty days before the next election, the question shall be submitted at such election and if not, then at the next general election thereafter, except as herein otherwise provided. The question shall also be submitted on a petition signed by ten per cent of the qualified electors of the city, filed with the body or official in charge of the city elections. If the petition prays for a special election and is signed by twenty per

the BOARD OF ELECTION COMMISSIONERS OR SUCH BOARD OR OFFICIALS AS MAY BE in charge of MUNICIPAL elections in SUCH CITY. If such petition prays for a special election and is signed by twenty per cent of the qualified VOTERS OF SUCH CITY, a special election shall be held IN SUCH CITY not less than sixty DAYS nor more than ninety days, after the filing of SUCH petition. The PERCENTAGE of electors required to sign any petition PROVIDED FOR HEREIN shall be based upon the total number of electors voting at the last preceding general MUNICIPAL election. The petitionS HEREIN PROVIDED FOR SHALL BE CANVASSED BY THE BOARD OF ELECTION COMMISSIONERS OR OTHER OFFICIALS HAVING CHARGE OF MUNICIPAL ELECTIONS IN SUCH CITY, and its determination as to the sufficiency of SUCH petitionS shall be final. The question of WHETHER OR NOT A COMMISSION SHALL BE CHOSEN TO FRAME A NEW CHARTER and the names of ELECTORS OR SETS OF NAMES of electors of the city, who are candidates for the PROPOSED commission, shall be printed on the same ballot, BUT NO CANDIDATE, OR LIST OF CANDI-

cent of the qualified electors, a special election shall be held not less than sixty nor more than ninety days after the filing of the petition. The number of electors required to sign any petition shall be based upon the total number of electors voting at the last preceding general city election. The election body or official shall forthwith finally determine the sufficiency of the petition. The question, and the names or the groups of names of the electors of the city who are candidates for the commission, shall be printed on the same ballot without party designation. Candidates for the commission shall be nominated by petition signed by not less than two per cent of the qualified electors voting at the next preceding city election, and filed with the election body or official at least thirty days prior to the election; provided that the signatures of one thousand electors shall be sufficient to nominate a candidate. If a majority of the electors voting on the question vote in the affirmative, the thirteen candidates receiving the highest number of votes shall constitute the commission. On the death, resignation or inability of any member to serve, the remaining members of the commission shall select the successor. All necessary expenses of the commission shall be

DATES, SHALL BEAR THE NAME, HEADING OR LABEL OF ANY POLITICAL PARTY. Candidates for the PROPOSED commission shall be nominated by petition signed by not less than two per cent of the qualified VOTERS OF SUCH CITY voting at the last preceding municipal election, and filed with THE BOARD of ELECTION COMMISSIONERS, or OTHER OFFICIALS HAVING CHARGE OF MUNICIPAL ELECTIONS IN SUCH CITY, at least thirty days prior to SUCH election; provided that IN NO CASE SHALL the signatures of MORE THAN one thousand voters be REQUIRED to nominate a candidate. If a majority of electors voting on the question OF WHETHER OR NOT A CHARTER COMMISSION SHALL BE CHOSEN TO FRAME A CHARTER, vote in the affirmative, then the thirteen candidates receiving the highest number of votes shall constitute SUCH commission. IN THE EVENT OF the death, resignation, or inability to serve, of any member of SUCH CHARTER COMMISSION, the remaining members shall select A successor THEREFOR. All necessary expenses of SUCH CHARTER commission shall be PROVIDED FOR by said city. ANY charter so framed shall be submitted to the paid by the city. The charter so framed shall be submitted to the electors of the city at an election held at the time fixed by the commission, but not less than thirty days subsequent to the completion of the charter nor more than one year from the date of the election of the commission. The commission may submit for separate vote any parts of the charter, or any alternative sections or articles, and the alternative sections or articles receiving the larger affirmative vote shall prevail if a charter is adopted. If the charter be approved by the voters it shall become the charter of such city at the time fixed therein and shall supersede any existing charter and amendments thereof. Duplicate certificates shall be made, setting forth the charter adopted and its ratification, signed by the chief magistrate of the city, and authenticated by its corporate seal. One of such certified copies shall be deposited in the office of the secretary of state and the other, after being recorded in the records of the city, shall be deposited among the archives of the city and all courts shall take judicial notice thereof. The notice of the election shall be published at least once a week on the same day of the week for at least three weeks in some daily or weekly newspaper

electors of the city AND an election held at A time fixed by the CHARTER commission but AT LEAST thirty days subsequent to the completion of the charter AND NOT more than one year from the date of the election of SUCH commission. Any PART OR parts of A charter SO FRAMED MAY BE SUBMITTED TO BE VOTED UPON SEPARATELY. Any alternative section or article MAY BE PRESENTED FOR THE CHOICE OF THE VOTERS AND MAY BE VOTED on SEPARATELY AND ACCEPTED OR REJECTED, SEPARATELY, WITHOUT PREJUDICE TO OTHER ARTICLES OR SECTIONS OF THE CHARTER. If a charter is adopted AT SUCH ELECTION THAT section or article submitted in the alternative, which receives the GREATEST NUMBER OF votes, shall be DEEMED ADOPTED. If ANY SUCH PROPOSED charter be approved by A MAJORITY OF THE ELECTORS VOTING ON THE PROPOSITION OF WHETHER OR NOT SUCH CHARTER SHALL BE ADOPTED, it shall become the charter of such city at the time fixed therein and shall supersede any existing charter and amendments thereof. Duplicate certificates shall be made, setting forth the of general circulation in the city or county, admitted to the post office as second class matter, regularly and consecutively published for at least three years, and having a list of bona fide subscribers who have voluntarily paid or agreed to pay a stated price for a subscription for a definite period of time, the last publication to be within two weeks of the election.

(Changes. Section rewritten with omission of bold faced words and substitution of other words.)

charter adopted and its ratification, WHICH SHALL BE signed by the chief magistrate of the city, and authenticated by its corporate seal. One of such certified copies shall be deposited in the office of the Secretary of State and the other, after being recorded in the records of the city, shall be deposited among the archives of the city and all courts shall take judicial notice thereof. The notice for ANY election PROVIDED FOR IN THIS SECTION shall be published for at least three weeks in some daily or weekly newspaper of general circulation in the city or county WHERE LOCATED, AND WHICH SHALL HAVE BEEN admitted to the post office as second class matter, AND SHALL HAVE BEEN regularly and consecutively published for A PERIOD OF three years, and SHALL HAVE a list of bona fide subscribers VOLUNTARILY ENGAGED OR SUCH who have paid or agreed to pay a stated price for a subscription for a definite period of time, SUCH PUBLICATION OF SUCH NOTICE TO BE MADE at least once each week and on the same day of the week IN EACH OF SAID THREE WEEKS, AND the last publication to be within two weeks of the DATE OF SUCH election.

Section 22. Amendments of any charter FRAMED AND adopted under THE AUTHORITY OF SECTION 21 OF ARTICLE IX OF THIS CONSTITUTION may be submitted to the electors by a CHARTER commission IN THE MANNER provided for THE SUBMISSION OF a complete charter. Amendments may also be proposed by the legislative AUTHORITY of the city or by A petition of not less than ten percent of the registered qualified VOTERS of the city, filed with the BOARD OF ELECTION COMMISSIONERS, or officials having charge of MUNICIPAL elections IN SUCH CITY, setting forth SUCH proposed amendment. The legislative AUTHORITIES of the city shall at once provide, by ordinance, that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election, IF CALLED FOR IN THE MANNER PROPOSED FOR IN SECTION 21 OF THIS ARTICLE. Any PROPOSED amendment SUBMITTED TO THE ELECTORS, AND approved by a majority of THOSE voting thereon, shall become a part of the CITY charter at the time and under the conditions fixed in SUCH amendment; and sections or articles

Section 22. Amendments of any city charter adopted under the foregoing provisions may be submitted to the electors by a commission as provided for a complete charter. Amendments may also be proposed by the legislative body of the city or by petition of not less than ten per cent of the registered qualified electors of the city, filed with the body or official having charge of the city elections, setting forth the proposed amendment. The legislative body shall at once provide, by ordinance, that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election held as provided for a charter. Any amendment approved by a majority of the qualified electors voting thereon, shall become a part of the charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided for a complete charter.

(Changes. Section rewritten with omission of bold faced words and substitution of other words.)

may be submitted in the alternative and determined in the same way as hereinbefore provided WITH REFERENCE TO ALTERNATIVE SECTIONS OR ARTICLES OF a complete charter.

Section 24. The people of the City of St. Louis and the people of the county of St. Louis shall have power (1) to consolidate the territories and governments of SAID city and county into one political subdivision under the municipal government of the city of St. Louis; or, (2) to extend the territorial boundaries of the county so as to embrace the territory within the city and to reorganize and consolidate the county governments of SAID city and county, and adjust their relations as thus united, and thereafter SAID city may extend its limits in the manner provided by law for other cities; or, (3) to enlarge the present or future limits of SAID city by annexing thereto part of the territory of said county, and to confer upon SAID city exclusive jurisdiction of the territory so annexed to SAID city; or, (4) to establish a metropolitan district or districts for the functional administration of services common to the area included therein. The power so given shall be exercised by the vote of the people of SAID

Section 23. The people of the city of St. Louis and the people of the county of St. Louis shall have power (1) to consolidate the territories and governments of the city and county into one political subdivision under the municipal government of the city of St. Louis; or, (2) to extend the territorial boundaries of the county so as to embrace the territory within the city and to reorganize and consolidate the county governments of the city and county, and adjust their relations as thus united, and thereafter the city may extend its limits in the manner provided by law for other cities; or, (3) to enlarge the present or future limits of the city by annexing thereto part of the territory of the county, and to confer upon the city exclusive jurisdiction of the territory so annexed to the city; or, (4) to establish a metropolitan district or districts for the functional administration of services common to the area included therein. The power so given shall be exercised by the vote of the people of

city and county upon a plan prepared by a board of freeholders consisting of nineteen members, nine of whom shall be electors of SAID city and nine electors of SAID county and one an elector of some other county. Upon the filing with the officials in general charge of elections in the city OF ST. LOUIS of a petition proposing the exercise of the powers hereby granted, signed by registered voters of the city in such number as shall equal three per cent of the total vote cast in the city, at the last GUBERNATORIAL election, for THE OFFICE OF governor, and the certification thereof by SAID election officials to the mayor OF THE CITY, and to the governor, then, upon the call of the mayor, within ten days after SAID certification, the mayor and the judges of the circuit court of the city, UPON SUCH CALL, shall assemble, in joint session, at the city hall of SAID city, and proceed to appoint the city's nine members of SAID board OF FREEHOLDERS, not more than five of whom shall be members of or affiliated with the same political party. Each member so appointed shall be given a certificate certifying his appointment AS A MEMBER OF SAID BOARD OF FREEHOLDERS AND signed by the mayor and attested by the seal

the city and county upon a plan prepared by a board of freeholders consisting of nineteen members, nine of whom shall be electors of the city and nine electors of the county and one an elector of some other county. Upon the filing with the officials in general charge of elections in the city of a petition proposing the exercise of the powers hereby granted, signed by registered voters of the city in such number as shall equal three per cent of the total vote cast in the city at the last general election for governor, and the certification thereof by the election officials to the mayor, and to the governor, then, upon the call of the mayor within ten days after the certification the mayor and the judges of the circuit court of the city shall assemble in joint session at the city hall of the city, and proceed to appoint the city's nine members of the board, not more than five of whom shall be members of or affiliated with the same political party. Each member so appointed shall be given a certificate certifying his appointment signed by the mayor and attested by the seal of the city. Upon the filing with the officials in general charge of elections in the county of a similar petition signed by registered voters of the county, in such number as shall equal three per cent of the

of the city. Upon the filing with the officials in general charge of elections in the county of a similar petition PROPOSING THE EXERCISE OF SUCH POWERS, signed by registered voters of the county, in such number as shall equal three per cent of the total vote cast in ST. LOUIS county at the last general election, for THE OFFICE OF governor, and the certification thereof by SAID county election officials to the presiding judge of the circuit court of SAID county and to the governor, the judges of the circuit court, probate court and county court, or other governing body, of SAID county within ten days after said certification, and upon the call of SAID presiding judge, shall assemble, in joint session, at the court house of SAID county, and PROCEED TO appoint the county's nine members of SAID board OF FREEHOLDERS, not more than five of whom shall be members of or affiliated with the same political party. Each member so appointed shall be given a certificate CERTIFYING his appointment AS A MEMBER of SAID BOARD OF FREEHOLDERS AND signed by said presiding judge and attested by the seal of said circuit court.

Upon THE certification TO HIM of the filing of such similar petitions by the officials in general total vote cast in the county at the last general election for governor, and the certification thereof by the county election officials to the presiding judge of the circuit court of the county and to the governor, the judges of the circuit court, probate court and county court, or other governing body, of the county within ten days after said certification, and upon the call of the presiding judge, shall assemble in joint session at the court house of the county, and appoint the county's nine members of the board, not more than five of whom shall be members of or affiliated with the same political party. Each member so appointed shall be given a certificate of his appointment signed by said presiding judge and attested by the seal of said circuit court.

Upon certification of the filing of such similar petitions by the officials in general charge of elections of the city and the county, the governor shall appoint one member of the board who shall be a resident of the state, but shall not reside in either the city or the county, who shall be given a certificate of his appointment signed by the governor and attested by the seal of the state. The freeholders of the city and county shall fix reasonable compensation and expenses for the freeholder appointed by

charge of elections of the city and the county, the governor shall appoint one member of the board OF FREEHOLDERS who shall be a resident of the state, but shall not reside either in the city or the county, who shall be given a certificate CERTIFYING his appointment AS A MEMBER OF SAID BOARD OF FREEHOLDERS, signed by the governor and attested by the seal of the State. The freeholders SELECTED FROM the City and County OF ST. LOUIS shall fix reasonable compensation and expenses for SAID freeholder SO appointed by the Governor and SUCH cost shall be BORNE equally by the City and County. The appointment of SAID board OF FREEHOLDERS shall be completed within thirty days after the certification of the filing of the AFORESAID petition, and at ten o'clock on the second Monday after their appointment the members of SAID board shall meet in the chamber of the board of aldermen, AT the city hall, IN SAID city and shall proceed with the discharge of their duties AS MEMBERS OF SAID BOARD, and shall meet at such other times and places as shall be agreed upon. IN THE EVENT OF THE death, resignation or inability of any member of SUCH board OF FREEHOLDERS to serve the governor and the cost shall be paid equally by the city and county. The appointment of the board shall be completed within thirty days after the certification of the filing of the petition, and at ten o'clock on the second Monday after their appointment the members of the board shall meet in the chamber of the board of aldermen in the city hall of the city and shall proceed with the discharge of their duties, and shall meet at such other times and places as shall be agreed upon. On the death, resignation or inability of any member of the board to serve, the appointing authority shall select the successor. The board shall prepare and propose a plan for the execution of the powers herein granted and for the adjustment of all matters and issues arising thereunder. The members of the board shall receive no compensation for their services as members, but the necessary expenses of the board shall be paid one-half by the county and one-half by the city on vouchers signed by the chairman of the board. The plan shall be signed in duplicate by the board or a majority thereof, and one copy shall be returned to the officials having general charge of elections in the city, and the other to such officials in the county, within one year after the appointment of the board.

the BODY OR PERSON AUTHORIZED TO MAKE THE ORIGINAL SELECTION shall select A successor THEREFOR. IT SHALL BE THE DUTY OF SAID board OF FREEHOLDERS TO prepare and propose a plan for the execution of the powers herein granted and for the adjustment of all matters and issues arising thereunder. The members of SAID board OF FREEHOLDERS shall receive no compensation for their services as members OF SAID BOARD, but the necessary expenses of SAID board IN THE PERFORMANCE OF ITS DUTIES shall be paid one-half OUT OF THE TREASURY OF the county OF ST. LOUIS and one-half OUT OF THE TREASURY OF the city OF ST. LOUIS on vouchers signed by the chairman of SAID board. The plan shall be signed in duplicate by SAID board or a majority OF THEM, and one copy shall be returned to the officials having general charge of elections in SAID city, and the other to THE officials HAVING GENERAL CHARGE OF ELECTIONS in SAID county, within one year after the appointment of SAID board. Said election officials shall cause separate elections to be held in SAID city and county, on the day PRESCRIBED by SAID freeholders, at which Said election officials shall cause separate elections to be held in the city and county, on the day fixed by the freeholders, at which the plan shall be submitted to the qualified voters of the city and county separately. The elections shall not be less than ninety days after the filing of the plan with said officials, and not on or within seventy days of any state or county primary or general election day in the city or county. The plan shall provide for the assessment and taxation of real estate in accordance with the use to which it is being put at the time of the assessment, whether agricultural, industrial or other use, giving due regard to the other provisions of this Constitution. If a majority of the qualified electors of the city voting thereon, and a majority of the qualified electors of the county voting thereon at the separate elections shall vote for the plan, then, at such time as shall be prescribed therein, the same shall become the organic law of the territory therein defined, and shall take the place of and supersede all laws, charter provisions and ordinances inconsistent therewith relating to said territory. If the plan be adopted, copies thereof, certified to by said election officials of the city and county, shall be deposited in the office of the secretary of state

SUCH plan shall be submitted to the qualified voters of SAID city and county RESPECTIVELY. SAID elections shall not be less than ninety days after the filing of SUCH plan with said officials, and not on or within seventy days of any state or county primary or general election day in SAID city or county. ANY SUCH plan shall provide for the assessment and taxation of real estate in accordance with the use to which it is being put at the time of SUCH assessment, whether agricultural, industrial or other use, giving due regard to the other provisions of this Constitution. If a majority of the VOTERS of the city voting thereon and a majority of the VOTERS of the county voting at SAID separate elections shall ADOPT SAID plan, then, at such time as shall be prescribed therein, the same shall become the organic law of the territory therein defined, and shall take the place of and supersede all laws, charter, provisions and ordinances inconsistent therewith relating to said territory. If SUCH plan be adopted, copies thereof, certified to by said OFFICERS HAVING CHARGE OF ELECTIONS IN SAID city and county, shall be deposited in the office of the Secretary of State and recorded in the office of the recorder of deeds for SAID city, and in the office of and recorded in the office of the recorder of deeds for the city, and in the office of the recorder of deeds of the present county, and the courts of this state shall take judicial notice thereof.

(Changes. Omission of bold faced words and substitution of other words.

Change of section number from 24 to 23.)

the recorder of deeds of the present ST. LOUIS county, and the courts of this state shall take judicial notice thereof.

Section 25. The City of St. Louis as now existing, is recognized both as a city and as a county unless otherwise charged in accordance with the provisions of this Constitution. As a city it shall continue for city purposes with its present charter, subject to changes and amendments PERMITTED OR provided by the Constitution or by law, and with the powers, organization, rights and privileges permitted by this Constitution or PROVIDED by law.

Section 24. The city of St. Louis, as now existing, is recognized both as a city and as a county unless otherwise changed in accordance with the provisions of this Constitution. As a city it shall continue for city purposes with its present charter, subject to changes and amendments provided by the Constitution or by law, and with the powers, organization, rights and privileges permitted by this Constitution or by law.

(Changes. Omission of bold faced words. Change of section number from 25 to 24.)

Section 26. The Charter of the City of St. Louis, now existing, or as hereafter amended or revised, may be amended from time to time by proposals therefor submitted by the law-making AUTHORITIES of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and accepted by three-fifths of the qualified VOTERS voting for or against each of said amendments so

Section 25. The charter of the city of St. Louis now existing, or as hereafter amended or revised, may be amended from time to time by proposals therefor submitted by the law-making body of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and accepted by three-fifths of the qualified electors voting for or against each of said amendments so submitted.

submitted. Any such amendments so accepted shall immediately take effect, except as therein otherwise provided.

The law-making AUTHORITIES of SUCH city may order an election by the qualified voters of the city of a board of thirteen freeholders of such city to prepare a new or revised Charter of SUCH city, which shall be in harmony with the Constitution and laws of the state, and shall provide, among other things for a chief executive and a house or houses of legislation to be elected by general ticket or by wards. Such new or revised Charter shall be submitted to the qualified voters of SUCH city at an election to be held not less than twenty nor more than thirty days after the order therefor, and if a majority of SUCH qualified voters voting at SUCH election ratify said new or revised Charter, then said Charter shall become the organic law of such city and shall take effect, except as otherwise therein provided, sixty days thereafter, and supersede the old Charter of SAID city and amendments thereto.

Any such amendments so accepted shall take effect immediately, except as therein otherwise provided.

The law-making body of the city may order an election by the qualified voters of the city of a board of thirteen freeholders of such city to prepare a new or revised charter of the city, which shall be in harmony with the Constitution and laws of the state, and shall provide, among other things for a chief executive and a house or houses of legislation to be elected by general ticket or by wards. Such new or revised charter shall be submitted to the qualified voters of the city at an election to be held not less than twenty nor more than thirty days after the order therefor, and if a majority of the qualified voters voting at the election ratify the new or revised charter, then said charter shall become the organic law of the city and shall take effect, except as otherwise therein provided, sixty days thereafter, and supersede the old charter of the city and amendments thereto.

(Changes. Omission of bold faced words and substitution of other words.

Change of section number from 26 to 25.)

Section 27. Copies of any new or revised Charter of the City of St. Louis or of any amendments to the present, or to any new or revised charter, with a certificate thereto appended, signed by the chief executive and authenticated by the seal of SAID city, setting forth the submission to and ratification thereof, by the qualified voters of the city shall be made in duplicate, one of which shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the Recorder of Deeds of the City, shall be deposited among the archives of the city, and thereafter all courts of this state shall take judicial notice thereof.

Section 26. Copies of any new or revised charter of the City of St. Louis or of any amendments to the present, or to any new or revised charter, with a certificate thereto appended, signed by the chief executive and authenticated by the seal of the city, setting forth the submission to and ratification thereof, by the qualified voters of the city shall be made in duplicate, one of which shall be deposited in the office of the secretary of state, and the other, after being recorded in the office of the recorder of deeds of the city, shall be deposited among the archives of the city, and thereafter all courts of this state shall take judicial notice thereof.

(Changes. Omission of bold faced words and substitution of other words.

Change of section number from 27 to 26.)

ALROY S. PHILLIPS
FRANK B. WILLIAMS
HOWARD C. POTTER
THOS. C. HENNINGS, SR.
RICHARD S. RIGHTER
ALLEN McREYNOLDS
Committee

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ENGROSSED

FILE NO. 12

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE IX.

Reported from the Committee on Local Government (City of St. Louis, St. Louis County and Jackson County).—No. 8, March 9, 1944, with recommendation that the Committee Substitute for Proposals Nos. 16, 29, 67, 96, 97, 118, 129, 137, 165, 194, 195, Sections 3, 4, 5, of 298, 336, 350 be adopted; Proposals Nos. 257 and 279 be rejected; Proposals Nos. 62 and 252 withdrawn by authors.

Taken up May 18, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 18, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment August 10, 1944.

Read 2nd time August 23, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 12 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 23, 1944.

Engrossed File No. 12 reported from the Committee on Phraseology, Arrangement and Engrossment August 29, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE IX

LOCAL GOVERNMENT (CITY OF ST. LOUIS ST. LOUIS COUNTY, and JACKSON COUNTY).

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 12, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on August 23, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 12

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE IX

LOCAL GOVERNMENT (CITY OF ST. LOUIS, ST. LOUIS COUNTY, and JACKSON COUNTY).

Present Constitution	Engrossed File	Origin
ARTICLE IX **CITIES, COUNTIES and TOWNS.**	ARTICLE IX LOCAL GOVERNMENT	
	Section 16. **All public officers in the City of St. Louis and all state and county officers in counties having 100,000 or more inhabitants, excepting public administrators and notaries public, shall be compensated for their services by salaries only.**	New Section. (But see sections 12 and 13 of Article IX of 1875 printed on page 10 of Engrossed File No. 11.)
	Section 17. **By vote of a majority of the qualified electors voting thereon in each county affected, any contiguous counties, not exceeding ten, may join in performing any common function or service, including the purchase, con-**	New Section.

struction and maintenance of hospitals, alms houses, road machinery and any other county property, and by separate vote may join in the common employment of any county officer or employee common to each of the counties. The county courts shall administer the delegated powers and allocate the costs among the counties. Any county may withdraw from such joint participation by vote of a majority of its qualified electors voting thereon.

New Section.

Section 18. Any municipality or political subdivision of this state may contract and cooperate with other municipalities or political subdivisions thereof, or with other states or their municipalities or political subdivisions, or with the United States, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service, in the manner provided by law.

New Section.

Section 19. Laws may be enacted, and any city or county operating under a constitutional charter may enact ordinances, providing for the clearance, replanning, reconstruction, redevelopment and rehabilitation of blighted, substandard or insanitary areas, and for recreational and other facilities incidental or appurte-

nant thereto, and for taking or permitting the taking, by eminent domain, of property for such purposes, and when so taken the fee simple title to the property shall vest in the owner, who may sell or otherwise dispose of the property subject to such restrictions as may be deemed in the public interest.

Section 20 (a). Any county having more than 85,000 inhabitants, according to the census of the United States, may frame and adopt and amend a charter for its own government as provided in this article, and upon such adoption shall be a body corporate and politic. New Section.

Section 20 (b). The charter shall provide for its amendment, for the form of the county government, the number, kinds, manner of selection, terms of office and salaries of the county officers, and for the exercise of all powers and duties of counties and county officers prescribed by the Constitution and laws of the state. New Section.

Section 20 (c). The charter may provide for the vesting and exercise of legislative power pertaining to public health, police and traffic, building construction, and planning and zoning, in the part of the county outside incorporated cities; New Section.

and it may provide, or authorize its governing body to provide, the terms upon which the county shall perform any of the services and functions of any municipality, or political subdivision in the county, except school districts, when accepted by vote of a majority of the qualified electors voting thereon in the municipality or subdivision, which acceptance may be revoked by like vote.

New Section.

Section 20 (d). The county shall only impose such taxes as it is authorized to impose by the Constitution or by law.

New Section.

Section 20 (e). Laws shall be enacted providing for free and open elections in such counties, and laws may be enacted providing the number and salaries of the judicial officers therein as provided by this Constitution and by law, but no law shall provide for any other office or employee of the county or fix the salary of any of its officers or employees.

New Section.

Section 20 (f). Whenever a petition for a commission, signed by qualified electors of the county numbering twenty percent of the total vote for governor in the county at the last preceding general election, is filed with the county court or other governing body, the officer or body canvassing election returns shall

forthwith finally determine the sufficiency thereof and certify the result to the governing body, which shall give immediate written notice of the petition to the circuit and probate judges of the county.

Section 20 (g). Within sixty days thereafter said judges shall appoint a commission to frame the charter, consisting of fourteen freeholders who shall serve without pay and be equally divided between the two political parties casting the greater number of votes for governor at the last preceding general election.

New Section.

Section 20 (h). The charter framed by the commission shall take effect on the day fixed therein and shall supersede any existing charter or government, if approved by vote of a majority of the qualified electors of the county voting thereon at a special election held on a day fixed by the commission and not less than thirty days after the completion of the charter nor more than one year from the day of the selection of the commission. The commission may submit for separate vote any parts of the charter, or any alternative sections or articles, and the alternative sections or articles receiving the larger affirmative vote shall prevail if a charter is adopted.

New Section.

Section 20 (i). The body canvassing election returns shall publish notice of the election at least once a week for at least three weeks in at least two newspapers of general circulation in the county; the last publication to be not more than three nor less than two weeks next preceding the election.

New Section.

Section 20 (j). Duplicate certificates shall be made, setting forth the charter adopted and its ratification, signed by the officer or members of the body canvassing election returns; one of such certified copies shall be deposited in the office of the secretary of state and the other, after being recorded in the records of the county, shall be deposited among the archives of the county and all courts shall take judicial notice thereof. This section shall also apply to any amendment to the charter.

New Section.

Section 20 (k). All amendments to such charter approved by the voters shall become a part of the charter at the time and under the conditions fixed in the amendment.

New Section.

Section 20 (l). No charter shall be submitted to the electors within the two years next following the election at which a charter was defeated.

New Section.

Sec. 16. Charter framed by large cities.—Any city having a population of more than one hundred thousand inhabitants may frame and adopt a charter for its own government, consistent with and subject to the Constitution and laws of the State in the following manner: The legislative authorities of the city may provide, by ordinance, for submission to the voters the question: "Shall a commission be chosen to frame a charter?" If such ordinance becomes effective more than sixty days before the next election such question shall be submitted at such election and if not, then at the next general election thereafter, except as herein otherwise provided. Such question shall also be submitted, when requested, by a petition signed by 10 per cent of the qualified voters of such city, filed with the board of election commissioners or such board or officials as may be in charge of municipal elections in such city. If such petition prays for a special election and is signed by twenty per cent of the qualified voters of such city, a special election shall be held in such city not less than sixty days, nor more than ninety days, after the filing of such petition. The percentage of electors required to sign any petition provided for herein shall be based upon

Section 21. Any city having more than **10,000** inhabitants may frame and adopt a charter for its own government, consistent with and subject to the Constitution and laws of the state, in the following manner. The legislative body of the city may, by ordinance, **submit** to the voters the question: "Shall a commission be chosen to frame a charter?" If **the** ordinance **takes effect** more than sixty days before the next election, **the** question shall be submitted at such election and if not, then at the next general election thereafter, except as herein otherwise provided. **The** question shall also be submitted **on** a petition signed by ten per cent of the qualified electors of **the** city, filed with **the body** or official in charge of the **city** elections. If **the** petition prays for a special election and is signed by twenty per cent of the qualified **electors,** a special election shall be held not less than sixty nor more than ninety days after the filing of **the** petition. The **number** of electors required to sign any petition shall be based upon the total number of electors voting at the last preceding general **city** election. The **election body** or official shall **forthwith finally determine** the sufficiency of **the** petition. The question, and the names or the **groups** of names of the electors of

Section 16.

the total number of electors voting at the last preceding general municipal election. The petitions herein provided for shall be canvassed by the board of election commissioners or other officials having charge of municipal elections in such city, and its determination as to the sufficiency of such petitions shall be final. The question of whether or not a commission shall be chosen to frame a new charter and the names of electors or sets of names of electors of the city, who are candidates for the proposed commission, shall be printed on the same ballot, but no candidate, or list of candidates, shall bear the name, heading or label of any political party which has, prior to such election, had candidates for state or federal offices. Candidates for the proposed commission shall be nominated by petition signed by not less than two per cent of the qualified voters of such city, and filed with the board of election commissioners, or other officials having charge of municipal elections in such city, at least thirty days prior to such election: *Provided*, that in no case shall the signatures of more than one thousand voters be required to nominate a candidate. If a majority of electors voting on the question of whether or not a charter commission shall be chosen to the city who are candidates for the commission, shall be printed on the same ballot **without party designation.** Candidates for the commission shall be nominated by petition signed by not less than two per cent of the qualified electors voting at the next preceding city election, and filed with the election **body** or official at least thirty days prior to the election; provided that the signatures of one thousand electors **shall be sufficient** to nominate a candidate. If a majority of the electors voting on the question vote in the affirmative, the thirteen candidates receiving the highest number of votes shall constitute **the** commission. **On the death, resignation or inability of any member to serve, the remaining members of the commission shall select the successor. All necessary expenses of the commission shall be paid by the city. The** charter so framed shall be submitted to the electors of the city at an election held at the time fixed by the commission, but **not less than** thirty days subsequent to the completion of the charter nor more than one year from the date of the election of **the** commission. The commission may submit **for separate vote** any parts of the charter, or any alternative sections or articles, and the alternative sections or articles receiving the

frame a charter, vote in the affirmative, then the thirteen candidates receiving the highest number of votes shall constitute such commission. Any charter so framed shall be submitted to the electors of the city and an election held at a time fixed by the charter commission but at least thirty days subsequent to the completion of the charter and not more than one year from the date of the election of such commission. Any part or parts of a charter so framed may be submitted to be voted upon separately. Any alternative section or article may be presented for the choice of the voters and may be voted on separately and accepted or rejected, separately, without prejudice to other articles or sections of the charter. If a charter is adopted at such election that section or article submitted in the alternative, which receives the greatest number of votes, shall be deemed adopted. If any such proposed charter be approved by a majority of the electors voting on the proposition of whether or not such charter shall be adopted, it shall become the charter of such city at the time fixed therein and shall supersede any existing charter and amendments thereof. Duplicate certificates shall be made, setting forth the charter adopted and its ratification, which shall be signed larger affirmative vote shall prevail if a charter is adopted. If the charter be approved by the voters it shall become the charter of such city at the time fixed therein and shall supersede any existing charter and amendments thereof. Duplicate certificates shall be made, setting forth the charter adopted and its ratification, signed by the chief magistrate of the city, and authenticated by its corporate seal. One of such certified copies shall be deposited in the office of the secretary of state and the other, after being recorded in the records of the city, shall be deposited among the archives of the city and all courts shall take judicial notice thereof. The notice of the election shall be published at least once a week on the same day of the week for at least three weeks in **some daily or weekly newspaper** of general circulation in the city or county, admitted to the post office as second class matter, regularly and consecutively published for at least three years, **and having a list of bona fide subscribers who have voluntarily paid or agreed to pay a stated price for a subscription for a definite period of time,** the last publication to be within two weeks of **the** election.

by the chief magistrate of the city, and authenticated by its corporate seal. One of such certified copies shall be deposited in the office of the Secretary of State and the other, after being recorded in the records of the city, shall be deposited among the archives of the city and all courts shall take judicial notice thereof. The notice for any election provided for in this section shall be published for at least three weeks in at least one newspaper printed in such city, which newspaper shall have a *bona fide* sale or circulation in such city of at least two thousand copies of each issue, in which such notice is published, and which newspaper has been published continuously for fifty-two weeks next before the publication of such notice, such publication of such notice to be made at least once each week and on the same day of the week in each of said three weeks, and the last publication to be within two weeks of the date of such election.

Sec. 17. Amendments and alternative sections or articles may be submitted to voters.—Amendments of any charter framed and adopted under the authority of section 16 of article IX of this Constitution may be submitted to the electors by a charter commission in the manner provided for the submission

Section 22. Amendments of any **city** charter adopted under **the foregoing provisions** may be submitted to the electors by a commission as provided for a complete charter. Amendments may also be proposed by the legislative **body** of the city or by petition of not less than ten per cent of the **registered**

Section 17.

of a complete charter. Amendments may also be proposed by the legislative authority of the city or by a petition of not less than ten per cent of the qualified voters of the city, filed with the board of election commissioners, or officials having charge of municipal elections in such city, setting forth such proposed amendment. The legislative authorities of the city shall at once provide, by ordinance, that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election, if called for in the manner proposed for in section 16 of this article. Any proposed amendment submitted to the electors, and approved by a majority of those voting thereon, shall become a part of the city charter at the time and under the conditions fixed in such amendment; and sections or articles may be submitted in the alternative and determined in the same way as hereinbefore provided with reference to alternative sections or articles of a complete charter.

Sec. 18. No person can hold two offices, when.—In cities or counties having more than two hundred thousand inhabitants, no person shall, at the same time, be a state officer and an officer of any county, city or other municipality; and qualified electors of the city, filed with the body or official having charge of the city elections, setting forth the proposed amendment. The legislative body shall at once provide, by ordinance, that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election held as provided for a charter. Any amendment approved by a majority of the qualified electors voting thereon, shall become a part of the charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided for a complete charter.

This section was stricken by the Convention in considering section 15 of the Report of Committee No. 9. Journal of April 27, 1944, page 10.

no person shall, at the same time, fill two municipal offices, either in the same or different municipalities; but this section shall not apply to notaries public, justices of the peace or officers of the militia.

ST. LOUIS

Sec. 26. Consolidation of St. Louis city and St. Louis county, or extension of boundaries permitted.—The people of the city of St. Louis and the county of St. Louis shall have power (1) to consolidate the territories and governments of said city and county into one legal subdivision under the municipal government of the city of St. Louis; or, (2) to extend the territorial boundaries of the county so as to embrace the territory within the city and to reorganize and consolidate the governments of said city and county, and adjust their relations as thus united, and thereafter said city may extend its limits in the manner provided in article 22, chapter 38, Revised Statutes, 1939, or as may otherwise be provided by law; or, (3) to enlarge the present or future limits of said city by annexing thereto part of the territory of said county, and to confer upon said city exclusive jurisdiction of the territory so annexed to said city. The power so given to the people of said city and county of St.

Section 23. The people of the city of St. Louis and the people of the county of St. Louis shall have power (1) to consolidate the territories and governments of the city and county into one **political** subdivision under the municipal government of the city of St. Louis; or, (2) to extend the territorial boundaries of the county so as to embrace the territory within the city and to reorganize and consolidate the county governments of **the** city and county, and adjust their relations as thus united, and thereafter the city may extend its limits in the manner provided **by law for other cities;** or, (3) to enlarge the present or future limits of the city by annexing thereto part of the territory of the county, and to confer upon **the** city exclusive jurisdiction of the territory so annexed to the city; **or,** (4) **to establish a metropolitan district or districts for the functional administration of services common to the area included therein.** The power so given shall be exercised **by the vote**

Section 26.

Louis shall be exercised in the manner and upon the following conditions, that is to say: The mayor, and the judges of the circuit court of the city and the judges of the circuit, probate and county courts of the county shall appoint a board of freeholders consisting of eighteen members, nine of whom shall be electors of said city and nine electors of said county to be selected as follows: upon the filing with the officials in general charge of elections in the city of a petition therefor signed by registered voters of the city in such number as shall equal three per cent of the total vote cast in the city, at the last general election, for the office of governor, and the certification thereof by said election officials to the mayor of the city, the mayor and the judges of the circuit court of the city, upon the call of the mayor, within ten days after said certification, shall assemble, in joint session, at the city hall, of said city, and proceed to appoint the city's nine members of said board of freeholders, not more than five of whom shall be members of or affiliated with the same political party. Each member so appointed shall be given a certificate certifying his appointment as a member of said board of freeholders and signed by the mayor and attested by the seal of **of the people of the city and county** upon a **plan prepared** by a board of freeholders consisting of **nineteen** members, nine of whom shall be electors of **the** city and nine electors of **the** county **and one an elector of some other county.** Upon the filing with the officials in general charge of elections in the city of a petition **proposing the exercise of the powers hereby granted,** signed by registered voters of the city in such number as shall equal three per cent of the total vote cast in the city at the last general election for governor, and the certification thereof by the election officials to the mayor, **and to the governor, then,** upon the call of the mayor within ten days after **the** certification the mayor and the judges of the circuit court of the city shall assemble in joint session at the city hall of the city, **and proceed to appoint** the city's nine members of **the** board, not more than five of whom shall be **members** of **or affiliated with** the same political party. Each member so appointed shall be given a certificate **certifying** his appointment signed by the mayor and attested by the seal of the city. Upon the filing with the officials in general charge of elections in the county of a similar petition signed by registered voters of the county, in such number as

the city. Upon the filing with the officials in general charge of elections in the county of a similar petition signed by registered voters of the county, in such number as shall equal three per cent of the total vote cast in St. Louis county, at the last general election, for the office of Governor, and the certification thereof by said county election officials to the presiding judge of division No. 1 of the circuit court of said county, the judges of the circuit, probate and county courts of said county within ten days after said certification, and upon the call of said presiding judge, shall assemble, in joint session, at the court house of said county, and proceed to appoint the county's nine members of said board of freeholders, not more than five of whom shall be members of or affiliated with the same political party. Each member so appointed shall be given a certificate certifying his appointment as a member of said board of freeholders and signed by said presiding judge and attested by the seal of said circuit court. The appointment of said board of freeholders shall be completed within thirty days after the certification of the filing of the aforesaid petitions, and at ten o'clock on the second Monday after their appointment the members of said board shall meet in the

shall equal three per cent of the total vote cast in **the** county at the last general election for governor, and the certification thereof by **the** county election officials to the presiding judge of the circuit court of **the** county **and to the governor,** the judges of the circuit court, probate court and county court, **or other governing body,** of the county within ten days after said certification, and upon the call of the presiding judge, shall assemble in **joint session** at the court house of the county, and appoint the county's nine members of the board, not more than five of whom shall be **members of or affiliated with** the same political party. Each member so appointed shall be given a certificate **of** his appointment signed by said presiding judge and attested by the seal of said circuit court.

Upon certification of the filing of such similar petitions by the officials in general charge of elections of the city and the county, the governor shall appoint one member of the board who shall be a resident of the state, but shall not reside in either the city or the county, who shall be given a certificate of his appointment signed by the governor and attested by the seal of the state. The freeholders of the city and county

chamber of the board of aldermen, at the city hall, in said city, and shall proceed with the discharge of their duties as members of said board, and shall meet at such other times and places as shall be agreed upon. It shall be the duty of said board of freeholders to prepare and propose a scheme for the consolidation of said city and county, or the inclusion within the county of the territory within the city, or the annexation to said city of part of the territory of said county, and to adjust all other matters and issues that may be necessary to effect either of said purposes. The members of said board of freeholders shall receive no compensation for their services as members of said board, but the necessary expenses of said board in the performance of its duties shall be paid one-half out of the treasury of the county of St. Louis and one-half out of the treasury of the city of St. Louis on vouchers signed by the chairman of said board. The scheme shall be signed in duplicate by said board or a majority of them, and one copy shall be returned to the officials having general charge of elections in said city, and the other to the officials having general charge of elections in said county, within one year after the appointment of said board. Within thirty days thereafter, **shall fix reasonable compensation and expenses for the freeholder appointed by the governor and the cost shall be paid equally by the city and county.** The appointment of the board shall be completed within thirty days after the certification of the filing of the petition, and at ten o'clock on the second Monday after their appointment the members of the board shall meet in the chamber of the board of aldermen in the city hall **of the** city and shall proceed with the discharge of their duties, and shall meet at such other times and places as shall be agreed upon. **On the death, resignation or inability of any member of the board to serve, the appointing authority shall select the successor. The board** shall prepare and propose a plan **for the execution of the powers herein granted and for the adjustment of all matters and issues arising thereunder.** The members of the board shall receive no compensation for their services as members, but the necessary expenses of the board shall be paid one-half **by** the county and one-half **by** the city on vouchers signed by the chairman of the board. The **plan** shall be signed in duplicate by **the** board or a majority thereof, and one copy shall be returned to the officials having general charge of elections in the city,

said election officials shall cause separate elections to be held in said city and county, on the day prescribed by said freeholders, which shall not be less than ninety nor more than one hundred and eighty days after the filing of such scheme with said officials, at which such scheme shall be submitted to the qualified voters of said city and county respectively. Any such scheme shall not be submitted oftener than once in five years. If a majority of the voters of the city and a majority of the voters of the county voting at said separate elections shall ratify said scheme, then, at such time as shall be prescribed therein, the same shall become the organic law of the territory therein defined, and shall take the place of and supersede all laws, charter, provisions and ordinances inconsistent therewith relating to said territory. If such scheme be adopted, copies thereof, certified to by said officers having charge of elections in said city and county, shall be deposited in the office of the secretary of state and recorded in the office of the recorder of deeds for said city, and in the office of the recorder of deeds of the present St. Louis county, and the courts of this state shall take judicial notice thereof.

and the other to **such** officials in the county, within one year after the appointment of **the** board. Said election officials shall cause separate elections to be held in the city and county, on the day fixed by the freeholders, at which the plan shall be submitted to the qualified voters of the city and county **separately.** The elections shall not be less than ninety days after the filing of the plan with said officials, **and not on or within seventy days of any state or county primary or general election day in the city or county. The plan shall provide for the assessment and taxation of real estate in accordance with the use to which it is being put at the time of the assessment, whether agricultural, industrial or other use, giving due regard to the other provisions of this Constitution.** If a majority of the **qualified electors** of the city **voting thereon,** and a majority of the qualified **electors** of the county **voting thereon** at **the** separate elections shall **vote for** the **plan,** then, at such time as shall be prescribed therein, the same shall become the organic law of the territory therein defined, and shall take the place of and supersede all laws, charter provisions and ordinances inconsistent therewith relating to said territory. If **the plan** be

Sec. 23. Charter in harmony with Constitution and laws—various provisions under.—Such charter and amendments shall always be in harmony with and subject to the Constitution and laws of Missouri, except only that provision may be made for the graduation of the rate of taxation for city purposes in the portions of the city which are added thereto by the proposed enlargement of its boundaries. In the adjustment of the relations between city and county, the city shall take upon itself the entire park tax; and in consideration of the city becoming the proprietor of all the county buildings and property within its enlarged limits, it shall assume the whole of the existing county debt, and thereafter the city and county of St. Louis shall be independent of each other. The city shall be exempted from all county taxation. The judges of the county court shall be elected by the qualified voters adopted, copies thereof, certified to by said election officials of the city and county, shall be deposited in the office of the secretary of state and recorded in the office of the recorder of deeds for the city, and in the office of the recorder of deeds of the present **county,** and the courts of this state shall take judicial notice thereof.

Section 24. **The city of St. Louis, as now existing, is recognized both as a city and as a county unless otherwise changed in accordance with the provisions of this Constitution. As a city it shall continue for city purposes with its present charter, subject to changes and amendments provided by the Constitution or by law, and with the powers, organization, rights and privileges permitted by this Constitution or by law.**

Sections 23, 24 and 25.

outside of the city. The city, as enlarged, shall be entitled to the same representation in the General Assembly, collect the state revenue and perform all other functions in relation to the State, in the same manner, as if it were a county as in this Constitution defined; and the residue of the county shall remain a legal county of the State of Missouri, under the name of the county of St. Louis. Until the next apportionment for Senators and Representatives in the General Assembly, the city shall have six Senators and fifteen Representatives, and the county one Senator and two Representatives, the same being the number of Senators and Representatives to which the county of St. Louis, as now organized, is entitled under sections eight and eleven of article IV of this Constitution.

Sec. 24. Courts of St. Louis, city and county.—The county and city of St. Louis, as now existing, shall continue to constitute the Eighth judicial circuit, and the jurisdiction of all courts of record, except the county court, shall continue until otherwise provided by law.

Sec. 25. St. Louis subordinate as other cities and counties.—Notwithstanding the provisions of this article, the General Assembly shall have the

same power over the city and county of St. Louis that it has over other cities and counties of this State.

Sec. 20. City of St. Louis, extension of limits, adoption of charter.—The city of St. Louis may extend its limits so as to embrace the parks now without its boundaries, and other convenient and contiguous territory, and frame a charter for the government of the city thus enlarged, upon the following conditions, that is to say: The council of the city and county court of the county of St. Louis shall, at the request of the mayor of the city of St. Louis, meet in joint session and order an election, to be held as provided for general elections, by the qualified voters of the city and county, of a board of thirteen freeholders of such city or county, whose duty shall be to propose a scheme for the enlargement and definition of the boundaries of the city; the reorganization of the government of the county, the adjustment of the relations between the city thus enlarged and the residue of St. Louis county, and the government of the city thus enlarged, by a charter in harmony with and subject to the Constitution and laws of Missouri, which shall, among other things, provide for a chief executive and two houses of legislation, one

Section 25. The charter of the city of St. Louis **now existing, or as hereafter amended or revised,** may be amended **from time to time** by proposals therefor submitted by the law-making body of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and accepted by three-fifths of the qualified electors voting for or against each of said amendments so submitted. **Any such amendments so accepted shall take effect immediately, except as therein otherwise provided.**

The law-making body of the city may order an election by the qualified voters of the city of a board of thirteen freeholders of such city to prepare a new or revised charter **of the city,** which shall be in harmony with the Constitution and laws of the state, and shall provide, among other things for a chief executive and a house or houses of legislation to be elected by general ticket or by wards. **Such new or** revised charter shall be submitted to the qualified voters of the city at an election to be held not less than twenty nor more than thirty days after the order therefor, and if a majority

Sections 20, 21 and 22.

of which shall be elected by general ticket, which scheme and charter shall be signed in duplicate by said board or a majority of them, and one of them returned to the mayor of the city and the other to the presiding justice of the county court within ninety days after the election of such board. Within thirty days thereafter the city council and county court shall submit such scheme to the qualified voters of the whole county, and such charter to the qualified voters of the city so enlarged, at an election to be held not less than twenty nor more than thirty days after the order therefor; and if a majority of such qualified voters, voting at such election, shall ratify such scheme and charter, then such scheme shall become the organic law of the county and city, and such charter the organic law of the city, and at the end of sixty days thereafter shall take the place of and supersede the charter of St. Louis, and all amendments thereof, and all special laws relating to St. Louis county inconsistent with such scheme.

Sec. 21. Scheme and charter, how authenticated—judicial notice.—A copy of such scheme and charter, with a certificate thereto appended, signed by the mayor and authenticated by the seal of of the qualified voters voting at the election ratify **the new or revised** charter, then said charter shall become the organic law of the city and shall take effect, **except as otherwise therein provided,** sixty days thereafter, and supersede the old charter of the city and amendments thereto.

the city, and also signed by the presiding justice of the county court and authenticated by the seal of the county, setting forth the submission of such scheme and charter to the qualified voters of such county and city, and its ratification by them, shall be made in duplicate, one of which shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds of St. Louis county, shall be deposited among the archives of the city, and thereafter all courts shall take judicial notice thereof.

Sec. 22. Charter, how amended and revised.—The charter so ratified may be amended by proposals therefor submitted by the lawmaking authorities of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals and accepted by three-fifths of the qualified voters voting for or against each of said amendments so submitted; and the lawmaking authorities of such city may order an election by the qualified voters of the city of a board of thirteen freeholders of such city to prepare a new charter for such city, which said charter shall be in harmony with and subject to the Constitution and laws of the State, and shall provide, among other

things, for a chief executive and for house or houses of legislation to be elected by general ticket or by wards. Said revised charter shall be submitted to the qualified voters of such city at an election to be held not less than twenty nor more than thirty days after the order therefor, and if a majority of such qualified voters voting at such election ratify such charter, then said charter shall become the organic law of such city, and sixty days thereafter shall take effect and supersede the charter of such city and all special laws inconsistent therewith.

Section 26. Copies of any new or revised charter of the City of St. Louis **or of any amendments to the present, or to any new or revised charter,** with a certificate thereto appended, signed by the chief executive and authenticated by the seal of the city, setting forth the submission to and ratification thereof, by the qualified voters of the city shall be made in duplicate, one of which shall be deposited in the office of the secretary of state, and the other, after being recorded in the office of the recorder of deeds **of the city,** shall be deposited among the archives of the city, and thereafter all courts of this state shall take judicial notice thereof.

New Section. Also Section 21 (opposite Engrossed Section 25).

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FILE NO. 13

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE XI.

Reported from the Committee on Education.—No. 12, March 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 2, 5, 15, 18, 25, 30, 104, 123, Art. VI of 142, 161, 171, 193, 203, 232, 233, 236, 238, 254, 256, 259, 270, 305, 316, 347, and Resolution No. 52 be adopted.

R. E. L. MARRS, Secretary.

REPORT OF EDUCATION COMMITTEE NUMBER 12

Mr. President:

Your Education Committee number 12, to which was referred Proposals number 2, 5, 15, 18, 25, 30, 104, 123, Article 6 of 142, 161, 171, 193, 203, 232, 233, 236, 238, 254, 256, 259, 270, 305, 316, 347, and resolution number 52, begs leave to report that it has duly considered each and all of said proposals and the resolution and now here submits a committee substitute for and in lieu of all the above numbered proposals and resolution, and in lieu of Article XI and Sections 26 and 27 of Article X of the present Constitution, and recommends its committee substitute, hereto attached.

Section 1. A general diffusion of knowledge and in-
2 telligence being essential to the preservation of the rights
3 and liberties of the people, the General Assembly shall
4 establish and maintain free public schools for the gratuitous
5 instruction of all persons in this State within such ages, not
6 in excess of twenty-one years, as may be prescribed by law.

7 Separate schools shall be provided for white and colored
8 children, except in cases otherwise provided for by law.
9 The General Assembly may establish specific schools
10 for any contiguous territory. Adult education may be
11 provided from funds other than ordinary school revenues.

Section 2. The supervision of instruction in the public
2 schools shall be vested in a State Board of Education,
3 consisting of eight lay-members to be appointed by the
4 Governor, by and with the consent of the Senate: Pro-
5 vided, that at no time shall more than four members be of
6 the same political party. The term of office of each member
7 shall be eight years, and the terms of the first appointees
8 shall be from one to eight years, respectively. Members
9 shall serve without compensation, but shall be entitled to
10 receive actual expenses incurred and a per diem to be fixed
11 by law, while attending to the duties of their office.

12 The State Board of Education shall elect and appoint
13 as its chief administrative officer, a Commissioner of Edu-
14 cation, who shall be a citizen and resident of Missouri,
15 removable at the discretion of such board, prescribe his
16 duties and fix his compensation, and upon the recommenda-
17 tion of the Commissioner of Education appoint the pro-
18 fessional staff and fix their compensation. It shall have such
19 additional powers and duties as have heretofore devolved
20 upon the State Board of Education, and as may be provided
21 by law. The State Superintendent of Schools at the time
22 this provision shall go into effect shall serve out the term
23 for which he was elected to office, with all powers and
24 duties prescribed by law.

Section 3. All real estate, loans and investments now
2 belonging to the various county and township school funds
3 shall be liquidated without extension of time, and the
4 proceeds thereof and the money on hand now belonging to

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said school funds of the several counties and the city of St. Louis shall be reinvested in registered bonds of the United States or in bonds of the State of Missouri or in bonds or other securities, the payment of which are fully guaranteed by the United States Government, and sacredly preserved as a county school fund. PROVIDED, that any county or the city of St. Louis may elect by a majority vote of those voting thereon to distribute annually to the schools of said county or the city of St. Louis, the proceeds of the liquidated school fund, at the time and in manner as provided by law. All interest accruing from investment of the county school funds; and all other monies coming into said fund; and the clear proceeds of all penalties, forfeitures and fines collected hereafter in counties which now have or may hereafter have a population of more than seventy five thousand inhabitants for any breach of the penal laws of the State; also the net proceeds from the sale of estrays, shall be distributed annually to the schools of the several counties according to law.

Section 4. In the school districts formed of cities and towns in counties having a population in excess of 200,000 inhabitants and not more than 450,000 inhabitants, and in consolidated school districts, in said counties, the board of directors of such school districts, with the consent of two-thirds of the voters thereof voting on such proposal at an election being held for that purpose, may levy on all subjects and objects of taxation and collect in the same manner as other school taxes are collected a special tax for school purposes not exceeding in any one year One Dollar on the One Hundred Dollars valuation of taxable property in addition to the taxes authorized to be levied for school purposes within the limits provided by this Constitution; and the power hereby given said board of directors of said school districts is declared to be a discretionary power.

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Section 5. The income of and all funds provided by
2 the State for the support of free public schools shall be paid,
3 at least, annually and disbursed according to law.
4 In event the public school fund provided and set apart
5 by law, for the support of free public schools, shall be in-
6 sufficient to sustain free schools at least eight months in
7 every year in each school district of the State, the General
8 Assembly may provide for such deficiency; but in no case
9 shall there be set apart less than twenty-five per cent of
10 the State revenue, exclusive of interest and sinking fund, to
11 be applied annually to the support of the free public schools.

Section 6. All Certificates of Indebtedness of the State
2 to the "Public School Fund" and to the "Seminary Fund"
3 are hereby confirmed as sacred obligations of the State to
4 said funds, and they shall be renewed as they mature for
5 such period of time and at such rate of interest as may be
6 provided for by law. The General Assembly may provide
7 at any time for the liquidation of said certificates of in-
8 debtedness, but all funds derived from such liquidation, and
9 all other funds hereafter accruing to said state school or
10 state seminary funds, except the interest on same, shall be
11 invested only in registered bonds of the United States, the
12 State of Missouri, or school district bonds of the State, or
13 bonds or other securities, payment of which are fully
14 guaranteed by the United States Government, of not less
15 than par value. The General Assembly may levy an annual
16 tax, sufficient to pay the accruing interest of all state
17 certificates of indebtedness.

Section 7. The proceeds of all Certificates of Indebted-
2 ness due the State School Fund, and all moneys, bonds,
3 lands, and other property now belonging to or hereafter
4 donated to any state fund for Public School purposes; also
5 the net proceeds of all sales of lands, and other property
6 and effects that may accrue to the State by escheat; also

the unclaimed dividends, and distributive shares of estates of deceased persons and all bank deposits unclaimed for a period of five years; also all unclaimed trust funds or trust estates, the original purpose of which has terminated; also, all sums of insurance or other special funds in the custody of the state unclaimed, or undistributed five years after order of distribution, shall be paid into the State Treasury, and securely invested, under the supervision of the State Board of Education and sacredly preserved as a "Public School Fund", the annual income of which shall be faithfully appropriated for establishing and maintaining free public schools, and for no other uses or purposes whatsoever, PROVIDED, the owners, of all such bank deposits and interest in estates or trusts or special funds, may within ten years thereafter reclaim the principal of the same in such manner as may be provided by law.

Section 8. The proceeds of all Certificates of Indebtedness due the Seminary Fund; also the net proceeds of all sales of lands heretofore or hereafter granted to the State for the benefit of the State University with its several divisions, as provided by law; also all gifts, grants, bequests, or devises that have been or hereafter may be made to said Seminary Fund for the benefit of the University, and not otherwise appropriated by the terms of any such gift, grant, bequest, or devise shall be paid into the State Treasury, and securely invested by the Board of Curators of the State University and sacredly preserved as a Seminary Fund; the annual income of which fund shall be faithfully appropriated for maintenance of the State University, and for no other uses or purposes whatsoever.

Section 9. The government of the State University shall be vested in a Board of Curators, to consist of nine members, to be appointed by the Governor, by and with the advice and consent of the Senate.

The General Assembly shall adequately maintain a State University and such other Educational Institutions as it may deem necessary for the best interests of the State.

Section 10. Neither the General Assembly nor any county, city, town, township, school district or other municipal Corporation, shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university, or other institution of learning controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any county, city, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever.

Section 11. It is hereby declared to be the policy of the State to promote the establishment and development of free public libraries and to accept the obligation of their support by the State and its sub-divisions in such manner as may be provided by law. When any such sub-division supports a free library, the General Assembly shall grant aid to such public library in such manner and in such amounts as may be provided by law.

ALVA F. LINDSAY, Chairman
FRANC L. McCLUER—
Reservations as to Sec. 5.

MEREDITH GARTEN
J. A. HEMPHILL
MRS. AMANDA D. HARGIS—
With reservations as to Sections 1 and 2.

P. M. MARR
EVERETT HULLVERSON—
With reservations as to Secs. 1 and 2.

WADE W. MAUPIN—
With reservations as to Section 3.

LEWIS E. MEADOR
REX H. MOORE
FRED W. NAETER
V. E. PHILLIPS (of Jackson)
VICTOR M. PITNEY
H. GREENE SIMPSON—
With reservations as to Secs. 1 and 2.

R. E. KIRCHNER—
With reservations as to Sections 2 and 3.

WILLIAM L. BRADSHAW—
With reservations as to Section 3.

GEORGE W. KIRK
R. F. WOOD (of Johnson)—
With reservations as to Section 3.

STATE OF MISSOURI }
} Sct
COUNTY OF COLE }

I, Alva F. Lindsay, Chairman of Education Committee No. 12, hereby certify that there was referred to said committee proposals number 2, 5, 15, 18, 25, 30, 104, 123, Article 6 of 142, 161, 171, 193, 203, 232, 233, 236, 238, 254, 256, 259, 270, 305, 316, 347, and resolution No. 52. That each and all originals of said proposals and said resolution are herewith returned.

ALVA F. LINDSAY, Chairman
Education Committee No. 12

REMARKS

Preliminarily, the proposed Article deals with Article XI and Sections 26 and 27 of Article X of the present Constitution.

SECTION 1.

The first sentence of this Section is a re-writing of the present Section 1. The present Section defines the free public school system as applicable to those from six to twenty years of age. The re-writing makes more flexible such definition of the free public schools, yet establishes principle of permitting the General Assembly to fix the period in which free public schools shall be maintained at public expense.

The second sentence is a re-writing of the present Section No. 3 of Article XI. This separation of races applies only to the Common Schools. The re-writing, as proposed, is, we believe in better language; applies to both races alike and permits the General Assembly to adjust those "cases" where separation may not be practicable or desirable.

The next sentence (the first in the second paragraph) is new. It is usually known as Area Schools. Its purpose is to take care of this situation where special or specific schools are necessary to accommodate a special group and have a large enough area to justify a school. To illustrate: Crippled Children's Schools; Opportunity Schools, etc. This would permit the combining of several districts or areas, as required.

The next sentence dealing with Adult Education is new. The term has not been defined by the Courts. It could and has covered a multitude of subjects, including nearly every occupation, business or trade. The General Assembly may define and provide for such schools as are desirable provided the ordinary Public School funds are not used.

SECTION 2.

The present Section number 4, provides that the supervision of instruction shall be vested in an ex officio board consisting of the Governor, the Secretary of State and the Attorney General, the acting head of which is the State Superintendent of schools, now elected at the General State election.

The new Section provides for a bi-partisan lay-member board of eight members, to be appointed by the Governor with the consent of the Senate, which board will appoint the State Superintendent as its chief Administrative officer. This will permit a continuity of service in that office. An eight member board will permit a wide representation over the State, and the Section itself provides for staggered terms for the members to prevent domination of the board by any Governor of the State.

SECTION 3.

This Section is a combination of the present Sections 8 and 10 and provides that these funds be invested in Government or State bonds instead of real estate mortgages. As an alternate the Section provides that local units may by vote distribute the school funds in such manner as the General Assembly may provide. Section 8 of the present Constitution provides that penalties, forfeitures and fines collected in all counties shall go into the public school fund. This Section as rewritten retains this same provision only in counties of more than 75,000 population. In the smaller counties of the State another file provides that these penalties, forfeitures and fines shall go into the general revenue fund of the counties.

SECTION 4.

This Section has not been changed. It permits an increased school levy in certain districts. Should increased tax levies above the Constitutional limit be permitted, it is our understanding this Section could be eliminated.

SECTION 5.

This Section is a combination of Sections 2 and 7 of the present Constitution, with these modifications. (a) The minimum requirement to participate in state aid is eliminated as obsolete. (b) The minimum eligibility for state aid has been increased from four to eight months in conformity with the State law. Otherwise the content of these sections remain the same.

SECTION 6.

This Section is a re-writing of Section 26, Article X of the present Constitution which we believe should be transferred to the Article on Education. The change in this Section permits a liquidation of the States Certificates of Indebtedness, in which event the funds would have to be reinvested in United States, State or School District bonds. Otherwise the substance of the present Section is unchanged.

SECTION 7.

This is a rewriting of Section 6, Article XI of the present Constitution. It separates the State School fund from the Seminary Fund and provides for re-capture of certain unused funds, to be paid into the State Treasury to be invested under the supervision of the State Board of Education, the interest to be used for school purposes, and permitting the owner within ten years thereafter to reclaim the principal of the fund.

SECTION 8.

This is a new Section altho portions of it are found in Section 6 of Article XI of the present Constitution. This Section separates the State Seminary fund from the State School fund. It also provides the fund shall be invested by the Board of Curators and the annual income used only for the support of the State University.

SECTION 9.

This Section deletes some obsolete language from the present Section number 5, of Article XI and recognizes the State's obligation to adequately maintain the State University and other Educational Institutions as the best interests of the State may require.

SECTION 10.

This Section is a literal copy of the present Section number 11 of Article XI.

SECTION 11.

This is a new Section recognizing the obligation of our State and its sub-divisions to support Public Libraries and provide for State aid in the manner provided by law.

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ENGROSSED

FILE NO. 13

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE XI

Reported from the Committee on Education.—No. 12, March 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 2, 5, 15, 18, 25, 30, 104, 123, Art. VI of 142, 161, 171, 193, 203, 232, 233, 236, 238, 254, 256, 259, 270, 305, 316, 347, and Resolution No. 52 be adopted.

Taken up May 2, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment May 2, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment June 2, 1944.

Read 2nd time June 8, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 13 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment June 8, 1944.

Engrossed File No. 13 reported from the Committee on Phraseology, Arrangement and Engrossment June 19, 1944.

Amended Engrossed File No. 13 reported from the Committee on Phraseology, Arrangement and Engrossment August 22, 1944.

R. E. L. MARRS, Secretary.

AMENDED REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.
ARTICLE XI
EDUCATION

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 13, respectfully reports that it has re-examined and amended its Report No. 2 of Engrossed File No. 13 as reported to the Convention on June 19, 1944 by rearranging the order of the sections of present Constitution to conform with consecutive numbering of the sections in the Engrossed File, instead of conforming the order of the sections of the Engrossed File with consecutive numbering of the sections of the present Constitution as in its report filed on June 19, 1944, and it herewith again reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,

Chairman.

ENGROSSED FILE NO. 13

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

AMENDED REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE XI

DEPARTMENT OF EDUCATION

Present Constitution	Engrossed File	Origin
ARTICLE XI EDUCATION	ARTICLE XI EDUCATION	
Section 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years.	Section 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state WITHIN AGES NOT IN EXCESS OF TWENTY-ONE YEARS AS PRESCRIBED BY LAW. SEPARATE SCHOOLS SHALL BE PROVIDED FOR WHITE AND COLORED CHILDREN, EXCEPT IN CASES OTHERWISE PROVIDED FOR BY LAW.	Paragraph 1, first sentence from Section 1 with bold face changes and second sentence from Section 3.
Section 3. Separate free public schools shall be established for the education of children of African descent.	SPECIFIC SCHOOLS FOR ANY CONTIGUOUS TERRITORY MAY	Paragraph 2 new.

BE ESTABLISHED BY LAW. ADULT EDUCATION MAY BE PROVIDED FROM FUNDS OTHER THAN ORDINARY SCHOOL REVENUES.

Section 4. The supervision of instruction in the public schools shall be vested in a "Board of Education," whose powers and duties shall be prescribed by law. The Superintendent of Public Schools shall be president of the board. The Governor, Secretary of State and Attorney General shall be *ex officio* members, and, with the Superintendent, compose said Board of Education.

Section 2. THE SUPERVISION OF INSTRUCTION IN THE PUBLIC SCHOOLS SHALL BE VESTED IN A STATE BOARD OF EDUCATION, CONSISTING OF EIGHT LAY MEMBERS APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE; PROVIDED, THAT AT NO TIME SHALL MORE THAN FOUR MEMBERS BE OF THE SAME POLITICAL PARTY. THE TERM OF OFFICE OF EACH MEMBER SHALL BE EIGHT YEARS, EXCEPT THE TERMS OF THE FIRST APPOINTEES SHALL BE FROM ONE TO EIGHT YEARS, RESPECTIVELY. WHILE ATTENDING TO THE DUTIES OF THEIR OFFICE MEMBERS SHALL BE ENTITLED TO RECEIVE ONLY ACTUAL EXPENSES INCURRED, AND A PER DIEM FIXED BY LAW.

THE BOARD SHALL SELECT AND APPOINT A COMMISSIONER OF EDUCATION AS ITS CHIEF AD-

Committee substitute for Section 4.

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MINISTRATIVE OFFICER, WHO SHALL BE A CITIZEN AND RESIDENT OF THE STATE, AND REMOVABLE AT ITS DISCRETION. THE BOARD SHALL PRESCRIBE HIS DUTIES AND FIX HIS COMPENSATION, AND UPON HIS RECOMMENDATION SHALL APPOINT THE PROFESSIONAL STAFF AND FIX THEIR COMPENSATION. THE BOARD SHALL SUCCEED THE STATE BOARD OF EDUCATION HERETOFORE ESTABLISHED, WITH ALL ITS POWERS AND DUTIES, AND SHALL HAVE SUCH OTHER POWERS AND DUTIES AS MAY BE PRESCRIBED BY LAW. THE PRESENT SUPERINTENDENT OF PUBLIC SCHOOLS SHALL SERVE OUT THE TERM FOR WHICH HE WAS ELECTED, WITH ALL THE POWERS AND DUTIES PRESCRIBED BY LAW.

Section 8. All moneys, stocks, bonds, lands and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an

Section 3. ALL REAL ESTATE, LOANS AND INVESTMENTS NOW BELONGING TO THE VARIOUS COUNTY AND TOWNSHIP SCHOOL FUNDS, EXCEPT THOSE INVESTED AS HEREINAFTER PROVIDED, SHALL BE LIQUIDATED WITHOUT EXTENSION OF TIME, AND THE PROCEEDS THEREOF

Committee substitute for sections 8 and 10.

See also Present Constitution section 2, opposite section 5, infra.

equivalent for exemption from military duty, shall belong to and be securely invested and sacredly preserved in the several counties as a county public school fund; the income of which fund shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State.

Section 9. No part of the public school fund of the State shall ever be invested in the stock or bonds or other obligations of any other State, or of any county, city, town or corporation; and the proceeds of the sales of any lands or other property which now belong or may hereafter belong to said school fund shall be invested in the bonds of the State of Missouri, or of the United States.

Section 10. All county school funds shall be loaned only upon unencumbered real estate security of double the value of the loan, with personal security in addition thereto.

AND THE MONEY ON HAND NOW BELONGING TO SAID SCHOOL FUNDS OF THE SEVERAL COUNTIES AND THE CITY OF ST. LOUIS, SHALL BE REINVESTED IN REGISTERED BONDS OF THE UNITED STATES, OR IN BONDS OF THE STATE OR IN APPROVED BONDS OF ANY CITY OR SCHOOL DISTRICT THEREOF, OR IN BONDS OR OTHER SECURITIES THE PAYMENT OF WHICH ARE FULLY GUARANTEED BY THE UNITED STATES, AND SACREDLY PRESERVED AS A COUNTY SCHOOL FUND. ANY COUNTY OR THE CITY OF ST. LOUIS BY A MAJORITY VOTE OF THE QUALIFIED ELECTORS VOTING THEREON MAY ELECT TO DISTRIBUTE ANNUALLY TO ITS SCHOOLS THE PROCEEDS OF THE LIQUIDATED SCHOOL FUND, AT THE TIME AND IN THE MANNER PRESCRIBED BY LAW. All interest accruing from investment of the county school fund, the clear proceeds of all penalties, forfeitures and fines collected hereafter for any breach of the penal laws of the State, the net proceeds from the sale of estrays, and all other moneys coming into said funds shall be

	distributed annually to the schools of the several counties according to law.	
ARTICLE X		
Section 27. In school districts formed of cities and towns in counties having a population in excess of 200,000 inhabitants and not more than 450,000 inhabitants, and in consolidated school districts, in said counties, the board of directors of such school districts, with the consent of two-thirds of the voters thereof voting on such proposal at an election being held for that purpose, may levy on all subjects and objects of taxation and collect in the same manner as other school taxes are collected a special tax for school purposes not exceeding in any one year One Dollar on the One Hundred Dollars valuation of taxable property in addition to the taxes authorized to be levied for school purposes within the limits provided by Section 11, Article 10 of the Constitution of this State; and the power hereby given said board of directors of said school districts is declared to be a discretionary power.	Section 4. In school districts formed of cities and towns in counties having MORE THAN 200,000 and not more than 450,000 inhabitants, and in consolidated school districts in such counties, the board of directors of such school districts, with the consent of two-thirds of the QUALIFIED ELECTORS thereof voting THEREON at an election held for THE purpose, may levy on all subjects and objects of taxation and collect in the same manner as other school taxes are collected, a special tax for school purposes not exceeding in any one year one dollar on the one hundred dollars valuation of taxable property in addition to the taxes authorized to be levied for school purposes within the limits provided by THIS Constitution; and the power hereby given said boards is declared to be a discretionary power.	Section 27 of Article X.
ARTICLE XI		
Section 2. The income of all the funds provided by the State for the support of free public schools shall be	Section 5. ALL APPROPRIATIONS BY THE STATE for the SUPPORT OF FREE PUBLIC SCHOOLS and	First paragraph from Section 2.

paid annually to the several county treasurers, to be disbursed according to law; but no school district, in which a free public school has not been maintained at least three months during the year for which the distribution is made, shall be entitled to receive any portion of such funds.	the income from the public school fund shall be paid AT LEAST annually and distributed according to law.	
	In EVENT the public school fund provided and set apart by law for the support of free public schools, shall be insufficient to sustain free schools at least EIGHT months in every year in each school district of the state, the general assembly may provide for such deficiency; but in no case shall there be set apart less than twenty-five per cent of the state revenue, exclusive of interest and sinking fund, to be applied annually to the support of the free public schools.	Second paragraph from Section 7.
Section 7. In case the public school fund now provided and set apart by law, for the support of free public schools, shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide for such deficiency in accordance with section eleven of the article on revenue and taxation; but in no case shall there be set apart less than twenty-five per cent of the State revenue, exclusive of the interest and sinking fund, to be applied annually to the support of the public schools.		
	NO SCHOOL DISTRICT WHICH PERMITS DIFFERENCES IN WAGES OF TEACHERS HAVING THE SAME TRAINING AND EXPERIENCE BECAUSE OF RACE OR COLOR, SHALL RECEIVE ANY PORTION OF SAID REVENUE OR FUND.	Third paragraph new.
ARTICLE X		
Section 26. All certificates of indebtedness of the State to the "public school fund" and to the "seminary fund" are hereby confirmed as sacred obligations of the State to said funds,	Section 6. All certificates of indebtedness of the state to the Public School Fund and to the Seminary Fund are hereby confirmed as sacred obligations of the state to said funds, and they	Committee substitute for Section 26 of Article X.

and they shall be renewed as they mature for such period of time and at such rate of interest as may be provided for by law. The General Assembly shall have the power to provide by law for the issuing certificates to the public school fund and seminary fund as the money belonging to said funds accumulates in the State treasury: *Provided*, that after the outstanding bonded indebtedness has been extinguished, all money accumulating in the State treasury for above named purposes shall be invested in registered county, municipal or school district bonds of this State of not less than par value. Whenever the State bonded debt is extinguished or a sum sufficient therefor has been received, there shall be levied and collected, in lieu of the ten cents on the one hundred dollars valuation now provided for by the statutes, an annual tax not to exceed three cents on the one hundred dollars valuation, to pay the accruing interest on all the certificates of indebtedness, the proceeds of which tax shall be paid into the State treasury and appropriated and paid out for the specific purposes herein mentioned.

shall be renewed as they mature for such time and at such rate of interest as may be provided by law. The general assembly MAY PROVIDE AT ANY TIME FOR THE LIQUIDATION OF SAID CERTIFICATES, BUT ALL FUNDS DERIVED FROM SUCH LIQUIDATION, and all other funds hereafter accruing to said state school or state seminary funds, EXCEPT THE INTEREST ON SAME, shall be invested only in registered bonds of THE UNITED STATES or the state, bonds of school districts of the state, OR BONDS OR OTHER SECURITIES PAYMENT OF WHICH ARE FULLY GUARANTEED BY THE UNITED STATES, of not less than par value. THE GENERAL ASSEMBLY MAY LEVY AN ANNUAL TAX SUFFICIENT TO PAY THE ACCRUING INTEREST OF ALL STATE CERTIFICATES OF INDEBTEDNESS.

ARTICLE XI

Section 6. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, lands and other property now belonging to any State fund for purposes of education; also, the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, from unclaimed dividends and distributive shares of the estates of deceased persons; also, any proceeds of the sales of the public lands which may have been or hereafter may be paid over to this State (if Congress will consent to such appropriation); also, all other grants, gifts, or devises that have been, or hereafter may be, made to this State, and not otherwise appropriated by the State or the terms of the grant, gift or devise, shall be paid into the State treasury, and securely invested and sacredly preserved as a public school fund; the annual income of which fund, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining the free public schools and the State University

Section 7. THE PROCEEDS OF ALL CERTIFICATES OF INDEBTEDNESS DUE THE STATE SCHOOL FUND, AND ALL MONEYS, BONDS, LANDS, AND OTHER PROPERTY BELONGING TO OR DONATED TO ANY STATE FUND FOR PUBLIC SCHOOL PURPOSES, AND THE NET PROCEEDS OF ALL SALES OF LANDS AND OTHER PROPERTY AND EFFECTS THAT MAY ACCRUE TO THE STATE BY ESCHEAT, SHALL BE PAID INTO THE STATE TREASURY, AND SECURELY INVESTED UNDER THE SUPERVISION OF THE STATE BOARD OF EDUCATION, AND SACREDLY PRESERVED AS A PUBLIC SCHOOL FUND THE ANNUAL INCOME OF WHICH SHALL BE FAITHFULLY APPROPRIATED FOR ESTABLISHING AND MAINTAINING FREE PUBLIC SCHOOLS, AND FOR NO OTHER USES OR PURPOSES WHATSOEVER.

Committee substitute for Section 6. See also Section 8 of engrossed file, infra.

in this article provided for, and for no other uses or purposes whatsoever.

Section 8. THE PROCEEDS OF ALL CERTIFICATES OF INDEBTEDNESS DUE THE SEMINARY FUND, the net proceeds of all sales of lands granted to the state for the benefit of the State University with its several divisions, as provided by law, and all gifts, grants, bequests, or devises to said Seminary Fund for the benefit of the University, and not otherwise appropriated by the terms of any such gift, grant, bequest or devise, shall be paid into the state treasury, and securely invested by the board of curators of the State University and sacredly preserved as a SEMINARY FUND, the annual income of which shall be faithfully appropriated for maintenance of the State University, and for no other uses or purposes whatsoever.

New except taken in part from Section 6 of Article XI.

Section 5. The General Assembly shall, whenever the public school fund will permit and the actual necessity of the same may require, aid and maintain the State University, now established, with its present departments. The government of the State University shall be vested in a Board of Curators, to

Section 9. The government of the State University shall be vested in a board of curators consisting of nine members appointed by the governor, by and with the advice and consent of the senate.

The general assembly SHALL ADEQUATELY maintain the State Uni-

Committee substitute for Section 5.

consist of nine members, to be appointed by the Governor, by and with the advice and consent of the Senate.

Section 11. Neither the General Assembly nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university or other institution of learning controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any county, city, town or other municipal corporation, for any religious creed, church or sectarian purpose whatever.

versity AND SUCH OTHER EDUCATIONAL INSTITUTIONS AS IT MAY DEEM NECESSARY.

Section 10. Neither the general assembly, nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university, or other institution of learning controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the state, or any county, city, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever.

Section 11.

SECTION 11. IT IS HEREBY DECLARED TO BE THE POLICY OF THE STATE TO PROMOTE THE ESTABLISHMENT AND DEVELOPMENT OF FREE PUBLIC LIBRARIES AND TO ACCEPT THE OBLIGATION OF THEIR SUPPORT BY THE STATE AND ITS SUB-DIVI-

New.

SIONS AND MUNICIPALITIES IN SUCH MANNER AS MAY BE PROVIDED BY LAW. WHEN ANY SUCH SUB-DIVISION OR MUNICIPALITY SUPPORTS A FREE LIBRARY, THE GENERAL ASSEMBLY SHALL GRANT AID TO SUCH PUBLIC LIBRARY IN SUCH MANNER AND IN SUCH AMOUNTS AS MAY BE PROVIDED BY LAW.

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File 13.

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FILE NO. 14

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

NEW ARTICLE.

Reported from the Committee on State Finance (except Taxation)—Expenditures, Public Indebtedness and Restrictions Thereon.—No. 11, March 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 6, 48, 61, 66, 71, 84, 169, 178, 196, 201, 214, 234, 247, 266, 283, 284, Sections 14 and 17, Art. X of 313, 321, 334 be adopted.

R. E. L. MARRS, Secretary.

REPORT OF COMMITTEE ON STATE FINANCE (EXCEPT TAXATION)—EXPENDITURES, PUBLIC INDEBTEDNESS AND RESTRICTIONS THEREON.—NO. 11.

Mr. President:

Your Committee on State Finance (except Taxation)—Expenditures, Public Indebtedness and Restrictions Thereon, No. 11, to which was referred Proposals Nos. 6, 48, 61, 66, 71, 84, 169, 178, 196, 201, 214, 234, 247, 266, 283, 284, Sections 14 and 17, Article X of 313, 321, and 334, begs leave to report that it has carefully considered the same, and as a substitute for and in lieu of all above numbered proposals recommends its Committee Substitute as follows:

Section 1. The State Department of Revenue shall be
2 headed by a Director of Revenue to be appointed by the
3 Governor, by and with the advice and consent of the Senate,
4 and shall include the divisions of Collection, Treasury, and
5 Budget and Comptroller, and such other divisions as may be
6 provided by law.

7 The division of Collection shall be responsible for the
8 collection of all State taxes, licenses, and fees. The division of
9 the Treasury shall be custodian of all State funds and shall
10 disburse the same on warrants drawn by the Comptroller.
11 The division of the Budget and Comptroller shall assist the
12 Director of Revenue in the preparation of such estimates
13 and information as the Governor and General Assembly
14 may require concerning receipts and expenditures of all
15 State agencies. The Comptroller shall be the chief account-
16 ing officer and the Director of the Budget, and he shall pre-
17 audit all claims and accounts and certify the same for
18 payment.

Remarks

This is a new Section and is offered as a substitute for Proposal No. 234. It seeks to unify in one single Department the agencies of the State Government dealing with the State's financial affairs. This unification will bring about a logical and harmonious organization of these agencies. As the Department would assist the Governor in determining financial policies and in fulfilling his responsibilities for the management of the Executive branch of the State Government, it is provided that the Director of Revenue shall be appointed by the Governor, by and with the advice and consent of the Senate. The Department of Revenue, created by this Section, will include the named divisions and such other departments, bureaus, commissions, and boards as the General Assembly may assign to it. The responsibility for tax collection is centralized in a separate division. The function of pre-auditing has been divorced from the office of the elected State Auditor and placed in that of the Comptroller created by this Section.

Section 2. In the calendar year 1945, and in every
2 following year, the fiscal year shall begin on July 1 and
3 extend to and include June 30 of the next calendar year for

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all departments and agencies of this State. The General Assembly shall make appropriations for a period of one fiscal year or a biennium of two fiscal years; *provided*, that the 63rd General Assembly shall also make appropriations for the period beginning on January 1, 1945, and ending on June 30, 1945. Every such law, making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the purpose to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such sum or purpose.

Remarks

This Section is a revision of Article X, Section 19, Constitution of 1875, and of Proposal No. 6. The principal change is the provision for a fiscal year beginning on July 1 of one year and ending on June 30 of the following year. The General Assembly is authorized to make appropriations on an annual or biennial basis so that, should the General Assembly be called into session annually, budgeting may also be on an annual basis.

Section 3. Not later than thirty days after the convening of the General Assembly in regular session the Governor shall submit a budget showing estimated available revenues of the State for the ensuing appropriation period and setting forth a complete and itemized plan of expenditures of all departments, offices, and agencies of the State for said appropriation period. Together with this statement the Governor shall submit recommendations as to proposed legislation, if any, which he may deem necessary to provide moneys and revenues sufficient to meet proposed expenditures.

Section 4. No appropriation not recommended in the budget shall be passed by either House of the General

3 Assembly until the recommendations of the budget shall
4 have been acted upon, unless the Governor shall recommend
5 the passage of an emergency appropriation or appropria-
6 tions.

Section 5. If any bill presented to the Governor con-
2 tain several items of appropriation of money, he may object
3 to one or more items or portions of items while approving
4 other portions of the bill. In such case he shall append to
5 the bill, at the time of signing it, a statement of the items,
6 or portions of items, to which he objects and the appropria-
7 tions, or portions thereof, objected to shall not take effect.
8 If the General Assembly be in session he shall transmit to
9 the House in which the bill originated a copy of such state-
10 ment and the items, or portions thereof, objected to shall
11 be separately reconsidered. If it be not in session then he
12 shall transmit the same within thirty days to the office
13 of the Secretary of State with his approval or reasons for
14 disapproval Provided, however, nothing herein contained
15 shall be construed as authorizing the Governor to reduce
16 any appropriation for free public school purposes nor for
17 the payment of principal and interest on the public debt.

Section 6. The Governor shall have authority to re-
2 duce expenditures of state departments, offices and agencies
3 under the amount of the appropriations actually made
4 whenever actual revenues fall below the revenue estimates
5 upon which the appropriations were based and through
6 allotments or otherwise to control the rate at which such
7 appropriations are expended during the fiscal year.

Remarks

Sections 3, 4, 5, and 6 are a revision of Article V, Section 13, Constitution 1875, and a substitute for Proposal No. 234. They clarify and strengthen the responsibility of the Governor for the preparation of a budget, its

submission to the General Assembly, and the operation of all State agencies within the amounts appropriated by the General Assembly and the actual revenues. The Governor is required to submit the budget not later than thirty days after the convening of the General Assembly in regular session, instead of within fifteen days as at present. His authority to reduce the expenditures of State agencies under the amounts appropriated whenever actual revenues fall below revenue estimates is clearly stated.

Section 7. All revenue collected and moneys received
2 by the State, from any source whatsoever, shall go into the
3 Treasury. All moneys now, or at any time hereafter, in the
4 State Treasury shall, immediately on receipt thereof, be
5 deposited by the Treasurer to the credit of the State for
6 the benefit of the funds to which they respectively belong,
7 in such bank or banks as he may, from time to time, with
8 the approval of the Governor and the State Auditor, select.
9 Such bank or banks shall give security, satisfactory to the
10 Governor, State Auditor, and Treasurer, for the safekeeping
11 and payment of such deposits, when demanded by the
12 Treasurer upon warrants drawn by the chief accounting
13 officer of the State and countersigned by the Treasurer.

Remarks

This Section is a revision of Article IV, Section 43, and Article X, Section 15, Constitution 1875. The provisions of the present Article IV, Section 43, for the order to be followed by the General Assembly in making appropriations, are omitted. It is provided that depositories for State moneys and the security required of such depositories shall be approved by the Governor, State Auditor, and Treasurer, instead of the Governor, Attorney General, and Treasurer as at present. The provisions for the disbursement of

State moneys through the use of both warrants and checks are amended to provide for such disbursement upon warrants drawn by the chief accounting officer and countersigned by the Treasurer.

Section 8. No money shall be withdrawn from the
2 treasury except by warrant and in accordance with appro-
3 priations made by law nor shall any obligation for the pay-
4 ment of money be incurred unless the chief accounting officer
5 certifies that there is a sufficient unencumbered balance in
6 the appropriation to pay the same and upon such other con-
7 ditions as may be provided by law. Each such certification
8 shall, at the time of issuance, be entered on the general
9 accounting books as an encumbrance upon the appropria-
10 tion from which payment is to be made. No appropriation
11 shall confer authority to incur an obligation after the
12 termination of the fiscal period to which it relates, provided
13 all appropriations shall expire six months after the end of
14 the period for which the appropriation was made.

Remarks

This Section contains certain provisions now found in Article IV, Section 43, and Article X, Section 19, Constitution 1875. It adds a provision that no obligation against the State Treasury shall be incurred unless the chief accounting officer certifies that there is a sufficient unencumbered balance in the appropriation to pay the same, and a provision that such certification shall be entered on the general accounting books.

Section 9. All counties, cities, other legal subdivisions
2 of the State, and public utilities owned and operated by legal
3 subdivisions of the State shall adopt an annual budget, file
4 annual reports of their financial transactions, and be audited
5 at such times and in the manner prescribed by law. All

6 public purchases made by any county, city, or other legal
7 subdivision of this State shall be made under a system of
8 competitive bidding and centralized purchasing with such
9 exceptions as may be provided by the General Assembly.

Remarks

This Section is new and is offered as a substitute for Proposal No. 331. It provides for budgets, audits, financial statements, and sound methods of purchasing for all legal subdivisions of the State.

Section 10. The General Assembly shall have no power
2 to contract or authorize the contracting of any debt or
3 liability on behalf of the State, or to issue bonds or other
4 evidences of indebtedness therefor, except in the following
5 cases:

6 First: To refund outstanding bonds; such refunding
7 bonds shall mature in not more than twenty
8 years from the date they bear.

9 Second: On the occurring of an unforeseen emergency
10 of casual deficiency in revenue, when the
11 temporary liability to be incurred, upon the
12 recommendation of the Governor first had,
13 shall not exceed the sum of One Million Dollars
14 ($1,000,000.00), to be paid in not more than
15 five years from and after its creation.

16 Third: In addition to the authority granted above
17 for the creation of indebtedness, the General
18 Assembly may, when the liability proposed to
19 be incurred shall exceed the sum of One
20 Million Dollars ($1,000,000.00), submit to the
21 qualified voters of the State a proposal setting
22 forth the amount of the proposed indebted-

23 ness and providing for the collection of an
24 annual tax sufficient to pay the interest on
25 and principal of such indebtedness within
26 twenty years. If such proposal be assented
27 to by a majority of the qualified voters of the
28 State voting thereon at a general or special
29 election such indebtedness may be incurred
30 and bonds issued in evidence thereof.

Section 11. The General Assembly shall have no
2 power to make any grant of public money or thing of value
3 or lend public credit or authorize the lending of public
4 credit to any individual, association of individuals or cor-
5 porations whatseover. Provided, that this section shall not
6 be so construed as to prohibit the granting of aid in cases of
7 public calamity or to prevent the establishment by general
8 law of pensions for the blind or assistance to persons over
9 sixty-five years of age, for aid to dependent children, for
10 the blind, for crippled children, for the rehabilitation of
11 persons, for direct relief, or to prevent the receiving of funds
12 or property from the United States Government for any
13 public purpose designated by such government, and a
14 redistribution of the same together with public money
15 according to the purposes so designted.

Remarks

This Section is a revision of Proposal No. 48.

Section 12. The General Assembly shall have no power
2 to authorize any county, city, or other political corporation
3 or subdivision of the State now existing, or that may be
4 hereafter established, to lend its credit or to grant public

5 money or thing of value in aid of, or to, any individual,
6 association, or corporation whatsoever. Provided, that the
7 General Assembly shall have power to authorize any munic-
8 ipality to provide for the pensioning of the salaried members
9 of any organized police force or fire department and the
10 widows and minor children of the deceased members thereof,
11 and to provide for the payment into a fund or funds for
12 paying benefits upon retirement, disability, or death to
13 persons employed and paid out of any public fund for edu-
14 cational services, their beneficiaries, or their estates.

Remarks

Sections 10, 11, and 12 are in lieu of Sections 44, 46, and 47 of Article IV. They set forth limitations on the power of the General Assembly to contract debt, to make grants of public money, and to authorize a local subdivision of the State to lend its credit or make a grant of public money.

Section 13. a. No county, city (or incorporated town
2 or village), school district or other political corporation or
3 subdivision of the State shall become indebted in any man-
4 ner or for any purpose to an amount exceeding in any year
5 the income and revenue provided for such year plus any
6 unencumbered surplus funds or balances from previous
7 years, except as otherwise hereinafter provided.
8 b. Any county, city (or incorporated town or village),
9 school district or other political corporation or subdivision
10 of the State may, with the assent of two-thirds of the voters
11 thereof voting on the proposition, become indebted in an
12 amount not to exceed five per centum on the value of tax-
13 able property therein to be ascertained by the last assess-
14 ment for state and county purposes previous to the in-
15 curring of such indetedness.

16 c. Any county or city may, with the assent of two-
17 thirds of the voters thereof voting on the proposition, incur
18 an additional indebtedness for county or city purposes not
19 to exceed five per centum on the taxable property therein
20 ascertained as aforesaid.

21 d. The City of St. Louis may incur the indebtedness
22 of both a city and a county as provided in this Section.

23 e. Any city may, with the assent of two-thirds of the
24 voters thereof voting on the proposition, become indebted
25 not exceeding in the aggregate an additional ten per centum
26 on the value of the taxable property therein, as aforesaid,
27 for the purpose of improving the streets and avenues and
28 constructing sanitary or storm sewers. The governing body
29 of such city may provide that any portion or all of the cost
30 of any such improvement may be levied and assessed by
31 such governing body on any property benefited by such
32 improvement and, in such event, such city shall collect
33 any special assessments so levied and shall use the same to
34 reimburse such city for the amount paid or to be paid by
35 it on the bonds of such city issued on account of such im-
36 provement.

37 f. Before or at the time of incurring any indebtedness
38 any county, city (or incorporated town or village), school
39 district, or other political corporation or subdivision of the
40 State shall provide for the collection of an annual tax suf-
41 ficient to pay the interest on and the principal of such in-
42 debtedness as it falls due, and to retire the same within
43 twenty years.

Remarks

Section 13 (13a to 13f, inclusive) constitutes a revision of Section 12 of Article X, and Section 14 of Article XIV of the present Constitution which limit the general obligation indebtedness of local units of government. These

sections are submitted as a substitute for, and in lieu of, Proposals Nos. 178 (Sections 12 and 12b), 247, 283, 284, and 334. The material has been divided into brief section (or subsections) for the convenience of public officials and citizens.

The revision retains the four principal features of the old sections: (1) The basic limitation for any local unit is five per cent of the assessed valuation of taxable property in the area. (2) The approval of two-thirds of the voters voting on the proposition is required. (3) The voters must also approve the levying of an annual tax sufficient to pay the interest on and the principal as it falls due. (4) The debt must be retired within twenty years. Either serial or sinking fund bonds may be issued.

The additional five per cent for any county for county purposes is intended to clarify rather than to change the existing maximum. Section 12 of Article X now authorizes additional indebtedness, without limitation, for the erection of a courthouse or jail, and for various road purposes, but the Statutes (R. S. 1939, Sec. 8606) apparently limit this additional amount to five per cent. The additional five per cent for city purposes extends to any city a privilege now granted only to cities of 75,000 or more inhabitants. The Committee does not believe it is desirable to make such a distinction between cities on the basis of population.

Since the City of St. Louis is legally both a city and a county under the present Constitution, it may incur the indebtedness of both a city and a county under these provisions.

Section 14. Any city (Or incorporated town or village)
2 in this State may, with the assent of a majority of the voters
3 thereof voting at an election held for that purpose, issue,
4 sell, and deliver the negotiable interest bearing revenue

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5 bonds of such city for the purpose of paying the cost of
6 purchasing, condemning, constructing, extending, or im-
7 proving any revenue producing public utility or other public
8 service to be owned exclusively by such city, the cost of
9 operation and maintenance and the principal and interest
10 of such revenue bonds to be payable solely from the reve-
11 nues to be derived by such city from the operation of said
12 utility or other improvement. Such utility may be ac-
13 quired by condemnation proceedings in the same manner
14 that such city may acquire real estate for public purposes,
15 or in such other manner as may be provided by law.

Remarks

Section 14 is a new one which provides for the issuance of revenue bonds for revenue-producing public utilities or other public services to be owned and operated exclusively by the city. It is a substitute for Proposals Nos. 61, 169, Section 12a of 178, and for certain provisions of Sections 12 and 12a of Article X. These provisions are designed to be self-enforcing.

Section 15. For the purpose of refunding, extending,
2 and unifying the whole or any part of its valid bonded
3 indebtedness any county, city, school district, or other
4 political corporation or subdivision of the State may, under
5 such terms and conditions as may be prescribed by law,
6 issue refunding bonds not exceeding in amount the principal
7 of the outstanding indebtedness to be refunded and the
8 accrued interest to the date of such refunding bonds. The
9 governing authority shall provide for the payment of interest
10 and the principal of such refunding bonds in the same
11 manner as was provided for the payment of interest and
12 principal of the bonds refunded.

Remarks

Section 15 is a new one providing for refunding bonds. It is a substitute for Proposal No. 201, and for the refunding provisions in other proposals. It is believed that the language is sufficiently broad to provide for the refunding of any type of bonded indebtedness A similar proposal was approved by the Convention of 1922-23 as Section 14 of Article X.

Section 16. The moneys arising from any loan, debt,
2 or liability contracted by the State, or any county, city,
3 or other political subdivision, shall be applied to the pur-
4 poses for which they were obtained, or to the repayment of
5 such debt or liability, and not otherwise.

Remarks

This is a revision of Section 20 of Article X and involves no change in the substance of that provision.

Respectfully submitted,

FRANC L. McCLUER, Chairman
KIRK JONES—
With reservations as to 13 and 14.
WILLIAM L. BRADSHAW
BERT MILLER—
Reservations to Sec. 14
GUY B. PARK
JOHN T. OPIE—
Reservations to Section 14.
JOSEPH R. SLAY
HOWARD C. POTTER—
With reservations as to sections 11 and 12

V. E. PHILLIPS—
With reservations as to Sections 1 and 14
ALVA F. LINDSAY—
With reservations as to sections 13 and 14.
OMER E. BROWN
GEORGE W. KIRK

General Remarks

Proposal No. 313, referred to this Committee as to its recommendation that Sections 14 and 17 of Article X be omitted, was approved and these Sections are not included in the Committee's recommendations. Proposals referred to this Committee of which no use was made in preparing the foregoing recommendations are numbers 66, 71, 84, 196 214, 266, and 321. Proposal No. 71 was combined with another Proposal before the Committee on Local Government, No. 9 Proposals Nos. 66, 84, 196, 214, 266, and 321 were not included in the sections recommended for adoption.

The original Proposal No. 331 is not in the possession of the State Finance Committee. It was referred to this Committee by the Committee on Local Government, No. 9, and was used by this Committee as indicated in its recommendations.

All Proposals considered by the Committee are returned herewith to the Convention.

The Chairman wishes to express his sincere appreciation to the members of the Committee for their patience, industry, and respect for contrary opinions during the careful deliberations which marked the work of the Committee. He wishes also to thank the members of the Committee for their cooperation and assistance in the preparation of this Report.

FRANC L. McCLUER, Chairman.

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FILE NO. 14

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

NEW ARTICLE

Reported from the Committee on State Finance (except Taxation)—Expenditures, Public Indebtedness and Restrictions Thereon.—No. 11, March 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 6, 48, 61, 66, 71, 84, 169, 178, 196, 201, 214, 234, 247, 266, 283, 284, Sections 14 and 17, Art. X of 313, 321, 334 be adopted.

Taken up July 19, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment July 19, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment August 8, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE —

STATE FINANCE

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 14 respectfully reports that it has examined the report of Committee No. 11 on State Finance (Except Taxation)—Expenditures, Public Indebtedness and Restrictions Thereon, and all amendments thereto, and it herewith reports said file as adopted by the Convention on July 19, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman.

FILE NO. 14

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI
REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE —

STATE FINANCE

As Adopted by the Convention

Section 1. The STATE Department of Revenue shall be HEADED BY a Director of Revenue TO BE APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, and shall INCLUDE the divisions of Collection, Budget and Comptroller, and SUCH other divisions as MAY BE provided by law.

The division of Collection shall collect all taxes, licenses, and fees payable to the State, except that, until otherwise provided by law, county and township collectors shall CONTINUE TO collect the STATE TANGIBLE PROPERTY TAX. The division of the Budget and Comptroller shall assist the Director of Revenue in THE PREPARATION OF SUCH estimates and information concerning re-

As Suggested by the Committee

Section 1. The department of revenue shall be in charge of a director of revenue, and shall have divisions of collection, budget and comptroller, and other divisions as provided by law. The division of collection shall collect all taxes, licenses and fees payable to the state, except that county and township collectors shall collect the state tax on tangible property until otherwise provided by law. The division of the budget and comptroller shall assist the director of revenue in preparing estimates and information concerning receipts and expenditures of all state agencies as required by the governor and general assembly. The comptroller shall be director of the budget, and shall preapprove all claims and

ceipts and expenditures of all State agencies as the Governor and General Assembly MAY REQUIRE. The Comptroller shall be THE Director of the Budget, and shall give preapproval to all claims and accounts and certify THE SAME to the AUDITOR for payment.

accounts and certify them to the state auditor for payment.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"in charge of" for "headed by".
"shall have" for "shall include".
"other divisions as" for "such other divisions as may be".
"shall collect" for "shall continue to collect".
"state tax on tangible property" for "state tangible property tax".
"in preparing" for "in the preparation of".
"as required by the governor" etc., for "such * * * as * * * may require".
"preapprove" for "give preapproval to".
"them" for "the same".
"state auditor" for "auditor".

(Note: For reason for omitting "to be appointed by the Governor" etc., see File No. 16, phraseology section 19, last sentence.

See also: File No. 16, phraseology sections 9, 11, 14, 15, 17, 19, and 23. File No. 14, phraseology sections 3-8.)

Section 2. IN THE CALENDAR YEAR 1945, AND IN EVERY FOLLOWING YEAR, the fiscal year shall begin on July 1 AND EXTEND TO AND INCLUDE JUNE 30 OF THE NEXT CALENDAR YEAR for ALL DEPARTMENTS and agencies of this State. The General Assembly shall make appropriations for A PERIOD OF one FISCAL YEAR or A BIENNIUM OF two fiscal years; PROVIDED, that the 63rd General Assembly shall also make appropriations for the PERIOD BEGINNING ON JANUARY 1, 1945, AND ending on June 30, 1945. Every such law, MAKING A NEW APPROPRIATION OR CONTINUING OR REVIVING AN APPROPRIATION, shall distinctly specify the SUM APPROPRIATED and THE purpose TO WHICH IT IS TO BE APPLIED; and IT SHALL NOT BE SUFFICIENT TO REFER to any other law to fix such SUM or purpose.

Section 2. The fiscal year of the state and all its agencies shall be the twelve months beginning on the first day of July in each year. The general assembly shall make appropriations for one or two fiscal years, and the 63rd General Assembly shall also make appropriations for the six months ending June 30, 1945. Every appropriation law shall distinctly specify the amount and purpose of the appropriation without reference to any other law to fix the amount or purpose.

(Changes. Section rewritten with omission of capitalization and bold faced words.

Substitutions:

"The fiscal year of the state and all its agencies" for "for all departments and agencies of this State".

"the twelve months beginning on the first day of July in each year" for "In the calendar year 1945 and in every following year * * * and extend to and include June 30 of the next calendar year".

"one or two fiscal years" for "a period of one fiscal year or a biennium of two fiscal years".

"every appropriation law" for "Every such law, making a new appropriation or continuing or reviving an appropriation".

"amount and purpose of the appropriation" for "sum appropriated and the purpose to which it is to be applied".

"without reference to" for "and it shall not be sufficient to refer to".

"the amount" for "such sum".)

Section 3. NOT LATER THAN THIRTY DAYS AFTER THE CONVENING OF THE GENERAL ASSEMBLY in regular session the Governor shall submit a budget SHOWING estimated available revenues of the State for the ensuing appropriation period and SETTING FORTH a complete and itemized plan of expenditures of ALL DEPARTMENTS, OFFICES, AND AGENCIES OF THE STATE FOR SAID APPROPRIATION PERIOD. Together with THIS STATEMENT THE GOVERNOR SHALL SUBMIT recommendations AS TO PROPOSED LEGISLATION, IF ANY, WHICH HE MAY DEEM necessary to provide MONEYS AND revenues sufficient to meet PROPOSED expenditures.

Section 3. The governor shall, within thirty days after it convenes in each regular session, submit to the general assembly a budget for the ensuing appropriation period, containing the estimated available revenues of the state and a complete and itemized plan of proposed expenditures of the state and all its agencies, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"Within thirty days after it convenes" for "Not later than thirty days after the convening of the General Assembly".

"containing" for "showing" and "setting forth".
"expenditures of the state and all its agencies" for "expenditures of all departments, offices, and agencies of the State".
"his recommendations of any laws" for "the Governor shall submit recommendations as to proposed legislation, if any".
"the" for "proposed".

Transposition of "for the ensuing appropriation period" and of "proposed".

(Note. Similar to first two sentences of section 11 of File No. 16. Note "regular session" in one and "biennial session" in the other.)

Section 4. NO APPROPRIATION NOT RECOMMENDED in the budget shall be passed by EITHER House of the General Assembly until the recommendations of the budget shall have been acted upon, unless the Governor shall recommend the passage of an emergency appropriation or appropriations.

Section 4. Until it acts on all the appropriations recommended in the budget, neither house of the general assembly shall pass any appropriation other than emergency appropriations recommended by the governor.

(Changes. Section rewritten with omission of capitalization and bold faced words.)

(Note. No corresponding provision in File No. 16).

Section 5. IF ANY BILL PRESENTED TO the Governor CONTAIN several items of appropriation of money, HE may object to one or more items or portions of items while approving other portions of the bill. IN SUCH CASE he shall append to the bill, AT THE TIME OF signing it, a statement of the items, or portions of items, to which he objects and the APPROPRIATIONS, OR PORTIONS THEREOF, objected to shall not take effect. If the General Assembly be in session he shall transmit to the House in which the bill originated a copy of such statement and the items, or portions thereof, objected to shall be separately reconsidered. If it be not in session then he shall transmit the SAME within THIRTY days to the office of the Secretary of State with his approval or reasons for disapproval. PROVIDED, HOWEVER, NOTHING HEREIN CONTAINED SHALL BE CONSTRUED AS AUTHORIZING the Governor to reduce any appropriation for free public school purposes nor for the payment of principal and interest on the public debt.

Section 5. The governor may object to one or more items or portions of items of appropriation of money in any bill presented to him, while approving other portions of the bill. On signing it he shall append to the bill a statement of the items or portions of items to which he objects and such items or portions shall not take effect. If the general assembly be in session he shall transmit to the house in which the bill originated a copy of the statement, and the items or portions objected to shall be reconsidered separately. If it be not in session he shall transmit the bill within forty-five days to the office of the secretary of state with his approval or reasons for disapproval. The governor shall not reduce any appropriation for free public schools, or for the payment of principal and interest on the public debt.

(Changes. Section rewritten with omission of capitalization and bold faced words.

Substitutions:

"in any bill presented to him" for "If any bill presented * * contain".

"On signing it" for "In such case * * * at the time of signing it".

"such items or portions" for "the appropriations, or portions thereof, objected to".
"the bill" for "the same".
"forty-five days" for "thirty days" to conform to section 11 of File No. 16.
"The governor shall not" for "Provided, however, nothing herein contained shall be construed as authorizing the Governor to".)
(Note: Similar to File No. 16, section 11.)

Section 6. The Governor shall HAVE AUTHORITY TO reduce expenditures of STATE DEPARTMENTS, OFFICES AND AGENCIES UNDER the amount of the appropriations actually made whenever actual revenues FALL BELOW the revenue estimates upon which the appropriations were based and through allotments or otherwise to control the rate at which such appropriations are expended during the fiscal year.

Section 6. The governor may control the rate at which any appropriation is expended during the period of the appropriation by allotment or other means, and may reduce the expenditures of the state or any of its agencies below their appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based.

(Changes. Section rewritten with omission of capitalization and bold faced words, and transposition of first and last parts.

Substitutions:

"may" for "shall have authority to".
"any appropriation is" for "such appropriations are".

"during the period of the appropriation" for "during the fiscal year".
"by allotment or other means" for "through allotments or otherwise".
"state or any of its agencies" for "state departments, offices and agencies".
"reduce * * below" for "reduce * * under".
"are less" for "fall below".)

Section 7. All revenue collected and moneys received by the State, from any source whatsoever, shall go promptly into the Treasury. All moneys NOW, OR AT ANY TIME HEREAFTER, in the State Treasury shall, immediately on receipt thereof, BE DEPOSITED BY THE TREASURER to the credit of the State for the benefit of the funds to which they RESPECTIVELY belong, in such banks, trust companies or other banking institutions AS HE MAY, FROM TIME TO TIME, WITH THE APPROVAL OF THE Governor and the State Auditor, SELECT, and all interest, income and returns derived therefrom shall belong to the state. Such BANKS, TRUST COMPANIES OR

(Changes: This section transferred to File No. 16, phraseology section 17.)

OTHER BANKING INSTITUTIONS shall give security, satisfactory to the Governor, State Auditor, and Treasurer, for the safekeeping and payment of such deposits, WHEN DEMANDED BY the Treasurer UPON warrants DRAWN BY the auditor AND COUNTERSIGNED BY THE TREASURER.

Section 8. No money shall be withdrawn from the treasury except by warrant drawn in accordance with an appropriation made by law, nor shall any obligation for the payment of money be incurred unless the Comptroller certifies THE SAME for payment and the Auditor certifies the expenditure is within the purpose of the appropriation, that there is a sufficient unencumbered balance in the appropriation to pay the same. Each such certification shall at the time of issuance be entered on the general accounting books as an encumbrance UPON the appropriation FROM WHICH PAYMENT IS TO BE MADE. No appropriation shall confer authority to incur an obligation after the termination of the fiscal period to which it relates, PROVIDED all appropriations shall expire six months

Section 7. No money shall be withdrawn from the state treasury except by warrant drawn in accordance with an appropriation made by law, nor shall any obligation for the payment of money be incurred unless the comptroller certifies it for payment and the state auditor certifies that the expenditure is within the purpose of the appropriation and that there is in the appropriation an unencumbered balance sufficient to pay it. At the time of issuance each such certification shall be entered on the general accounting books as an encumbrance on the appropriation. No appropriation shall confer authority to incur an obligation after the termination of the fiscal period to which it relates, and every appropriation shall expire six months after the end of the period for which made.

after the end of the period for which THE APPROPRIATION WAS made.

(Changes. Omission of capitalization and bold faced words.

Insertion of "state" before "treasury" and "auditor" of "that", and "and".

Substitutions:

"it" for "the same".

"in the appropriation an unencumbered balance sufficient to pay" for "a sufficient unencumbered balance in the appropriation to pay".

"on" for "upon", "and" for "provided", and "every" for "all".)

(Note: See last clause of section 1).

Section 9. AT SUCH TIMES AND IN THE MANNER prescribed by law all counties, cities, other legal subdivisions of the State, and public utilities owned and operated by legal subdivision, OF THE STATE shall ADOPT an annual budgets file annual reports of their financial transactions, and be audited.

Section 8. As prescribed by law all counties, cities, other legal subdivisions of the state, and public utilities owned and operated by such subdivisions shall have an annual budget, file annual reports of their financial transactions, and be audited.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"As prescribed by law" for "At such times and in the manner prescribed by law".

"such subdivisions" for "legal subdivisions of the State".
"have" for "adopt".)

Section 10. The General Assembly shall have no power to contract or authorize the contracting of any DEBT OR liability ON BEHALF of the State, or to issue bonds therefor, except IN THE FOLLOWING CASES:

First: To refund outstanding bonds; SUCH refunding bonds SHALL mature IN not more than twenty-five (25) years from THE date THEY BEAR.

Second: ON THE OCCURRING of an unforeseen emergency or casual deficiency in revenue, WHEN the temporary liability to be incurred, upon the recommendation of the Governor FIRST HAD, SHALL not exceed the sum of One Million Dollars ($1,000,000.00) for any one year, to be paid in not more than five (5) years from AND AFTER its creation.

Third: IN ADDITION TO THE AUTHORITY GRANTED ABOVE FOR THE CREATION OF INDEBTEDNESS, the General Assembly or

Section 9. The general assembly shall have no power to contract or authorize the contracting of any liability of the state, or to issue bonds therefor, except (1) to refund outstanding bonds, the refunding bonds to mature not more than twenty-five years from date, (2) on the recommendation of the governor, for a temporary liability to be incurred by reason of unforeseen emergency or casual deficiency in revenue, in a sum not to exceed one million dollars for any one year and to be paid in not more than five years from its creation, and (3) when the liability exceeds one million dollars, the general assembly as on constitutional amendments, or the people by the initiative, may also submit a measure containing the amount, purpose and terms of the liability, and if the measure is approved by a majority of the qualified electors of the state voting thereon at the election, the liability may be incurred, and the bonds issued therefor must be retired serially and by instalments within a period not exceeding twenty-five years from their date.

the people, by the Initiative PROCESS, when the liability PROPOSED TO BE INCURRED SHALL exceed the sum of One Million Dollars ($1,000,000.00), may submit TO THE QUALIFIED VOTERS OF THE STATE A PROPOSAL SETTING FORTH the amount AND purpose of the PROPOSED INDEBTEDNESS and the terms THEREOF. IF SUCH PROPOSAL BE ASSENTED TO by a majority of the qualified VOTERS of the State voting thereon at A GENERAL OR SPECIAL election, SUCH INDEBTEDNESS may be incurred and bonds issued IN EVIDENCE THEREOF. PROVIDED, THAT SAID BONDS must be retired serially and by installments within a period not exceeding twenty-five (25) years from the date OF THE ISSUANCE THEREOF.

BEFORE OR AT THE TIME OF ISSUING bonds under THE PROVISIONS of this section, the General Assembly shall make adequate provision for the payment THEREOF and THE interest THEREON, and TO THAT END may provide for THE LEVY AND COLLECTION OF an annual tax upon all taxable property WITHIN THE STATE in an amount sufficient for SAID purpose. Before any bonds are issued under this section the general assembly shall make adequate provision for the payment of the principal and interest, and may provide an annual tax on all taxable property in an amount sufficient for the purpose.

(Changes. Section condensed and rewritten with omission of capitalization and bold faced words.

Substitutions:

"liability" for "debt or liability" and "indebtedness".

"the" for "such" and "said".

"to" for "shall".

"from date" for "from the date they bear".

"by reason of" for "On the occurring of".

"the general assembly as on constitutional amendments, or the people by the initiative" for "the general assembly or the people, by the Initiative process". (See File No. 4, Article IV phraseology section 58 and article XV phraseology section 2).

"also" for "In addition to the authority granted above for the creation of indebtedness".

"measure containing" for "proposal setting forth".
"is approved" for "be assented to".
"the election" for "a general or special election".
"the bonds issued therefor" for "and bonds issued in evidence thereof".
"Before any bonds are issued under this section" for "Before or at the time of issuing bonds under the provisions of this section".)

(Note. In Journals of July 10, 1944, page 6 and July 19, 1944, page 2, the Convention omitted similar provisions in section 44 of File No. 17.)

Section 11. The General Assembly shall have no power to MAKE ANY grant OF public money or THING OF VALUE or lend PUBLIC CREDIT or authorize the lending of public credit to any individual, association OF INDIVIDUALS or private corporations WHATSOEVER. PROVIDED, THAT THIS SECTION SHALL NOT BE SO CONSTRUED AS TO PROHIBIT THE GRANTING OF aid in CASES OF public calamity or TO PREVENT THE ESTABLISHMENT BY general law of pensions for the blind, for old age assistance,

Section 10. The general assembly shall have no power to grant public money or property, or lend or authorize the lending of public credit, to any private person, association or corporation, excepting aid in public calamity, and general laws providing for pensions for the blind, for old age assistance, for aid to dependent or crippled children or the blind, for direct relief, for adjusted compensation, bonus or rehabilitation for discharged members of the armed services of the United States who were bona fide residents of this state during their service,

for aid to dependent children, for the blind, for crippled children, for adjusted compensation, bonus or rehabilitation, for discharged members of the armed FORCES who were bona fide residents of this State during their service and for the rehabilitation of other persons, for direct relief, OR TO PREVENT THE RECEIVING OF FUNDS or property from the United States Government for any public purpose designated by SUCH GOVERNMENT, and a redistribution of the same together with public money ACCORDING TO THE PURPOSES SO DESIGNATED.

That the General Assembly OF THE STATE OF MISSOURI shall CAUSE an annual tax of not less than one-half of one cent nor more than three cents on the one hundred dollars valuation of the taxable property of the State to be levied for the purpose of providing a fund to be DEVOTED IN THE MANNER provided by law to the pensioning of the deserving blind. IF any balance SHALL EXIST in such fund after the deserving blind have been pensioned, then the same, OR SO MUCH THEREOF AS MAY BE NECESSARY, may be used for the support of the commission for the blind. AND IF THERE SHALL BE A BALANCE IN and for the rehabilitation of other persons. Money or property may also be received from the United States and be redistributed together with public money of this state for any public purpose designated by the United States.

The general assembly shall provide an annual tax of not less than one-half of one cent nor more than three cents on the one hundred dollars valuation of all taxable property to be levied and collected as other taxes, for the purpose of providing a fund to be appropriated and used for the pensioning of the deserving blind as provided by law. Any balance remaining in the fund after the payment of the pensions may be appropriated for the adequate support of the commission for the blind, and any remaining balance shall be transferred to the distributive public school fund.

(Changes. Section rewritten with omission of capitalization and bold faced words.

Transposition of "private", "crippled children", "for the blind", "direct relief", and "appropriated" for "appropriation".

SAID FUND AFTER THE BLIND HAVE BEEN PENSIONED, AND THE COMMISSION FOR THE BLIND HAS RECEIVED ADEQUATE SUPPORT, THEN THE SAME shall be transferred to the distributive public school fund. SAID TAX SHALL be levied and collected annually IN THE SAME MANNER as other State taxes ARE LEVIED AND COLLECTED, and SUCH fund shall be SUBJECT TO appropriation for ABOVE PURPOSES BY THE GENERAL ASSEMBLY.

Substitutions (first paragraph):

"grant" for "make any grant of", "property" for "thing of value".

"excepting" for "Provided, that this section etc.".

"general laws providing for" for "establishment by general law of".

"armed services of the United States" for "armed forces". (See phraseology section 21 of File No. 16).

"Money***may also be received from the United States" for "funds***from the United States Government".

"public money of the state" for "public money".

"any public purpose designated by the United States" for "any public purpose designated by such government***according to the purposes so designated".

"be redistributed" for "and a redistribution of the same".

Substitutions (second paragraph):

"provide an annual tax" for "cause an annual tax etc."

"to be levied and collected as other taxes" for "Said tax shall be levied and collected in

the same manner as other state taxes are levied and collected".

"to be appropriated and used for the pensioning of the deserving blind as provided by law" for "to be devoted in the manner provided by law to the pensioning of the deserving blind".

"Any balance remaining in the fund etc" for "If any balance shall exist in such fund".

"after the payment of the pensions" for "after the deserving blind have been pensioned".

"adequate support" for "support"

"and any remaining balance" for "And if there shall be a balance in said fund after the blind have been pensioned, and the commission for the blind has received adequate support then the same".)

(Notes. In the Journals of July 10, 1944, page 6, and July 19, 1944, page 2, the Convention omitted provisions similar to above first paragraph in section 46 of File No. 17.

The second paragraph above could be transferred to legislative File No. 17).

Section 12. No county, city, or other political corporation or subdivision of the State NOW EXISTING, OR THAT MAY BE HEREAFTER ESTABLISHED, shall be authorized to lend its credit or TO grant public money or THING OF VALUE IN AID OF, OR to, any individual, association, or private corporation WHATSOEVER. PROVIDED, that the General Assembly SHALL HAVE POWER TO authorize any municipality to provide for the pensioning of the salaried members of ANY organized police force or fire department and the widows and minor children of the deceased members THEREOF, and TO authorize any city HAVING more than 100,000 inhabitants to provide for the pensioning of other employees; PROVIDED FURTHER, THAT NOTHING IN THIS CONSTITUTION CONTAINED SHALL BE CONSTRUED AS PROHIBITING payments, from any public funds into a fund or funds for paying benefits, upon retirement, disability, or death to persons employed and paid out of any public fund for educational services, their beneficiaries, or THEIR estates.

Section 11. No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation, except that the general assembly may authorize any municipality to provide for the pensioning of the salaried members of its organized police force or fire department and the widows and minor children of the deceased members, and may authorize any city of more than 100,000 inhabitants to provide for the pensioning of other employees, and may also authorize payments from any public funds into a fund or funds for paying benefits upon retirement, disability or death to persons employed and paid out of any public fund for educational services, and to their beneficiaries or estates.

(Changes. Section rewritten with omission of capitalization and bold faced words.

Transposition of "private".

Substitutions:

"property" for "thing of value".
"except that" for "provided that".
"may" for "shall have power to".
"its organized" for "any organized".

"of more than" for "having more than".
"and may also authorize payments" for "Provided, further, that nothing in this Constitution contained shall be construed as prohibiting".
"and to their beneficiaries or estates" for "their beneficiaries, or their estates".)

(Note: In the Journals of July 10, 1944, page 6, and July 19, 1944, page 2, the Convention omitted similar provisions in section 47 of File No. 17.)

Section 13. a. No county, city (OR incorporated town or village), school district or other political corporation or subdivision of the State shall become indebted in any manner or for any purpose to an amount exceeding in any year the income and revenue provided for such year plus any unencumbered SURPLUS FUNDS OR balances from previous years, except as otherwise in this Constitution provided.

Section 12 (a). No county, city, incorporated town or village, school district or other political corporation or subdivision of the state shall become indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years, except as otherwise provided in this Constitution.

(Changes. Omission of capitalization, brackets and bold faced words.)

b. Any county, city (OR incorporated town or village), school district or other political corporation or subdivision of the State may, WITH THE AS-

Section 12 (b). Any county, city, incorporated town or village, school district or other political corporation or subdivision of the state, by vote of

SENT of two-thirds of the VOTERS thereof voting ON THE PROPOSITION, become indebted in an amount not to exceed five per centum on the value of taxable property therein TO BE ASCERTAINED by the last completed assessment for state and county purposes PREVIOUS TO THE INCURRING OF SUCH INDEBTEDNESS.

two-thirds of the qualified electors thereof voting thereon, may become indebted in an amount not to exceed five per centum of the value of taxable tangible property therein as shown by the last completed assessment for state and county purposes.

(Changes. Omission of capitalization, brackets and bold faced words.

Transposition of "may".

Substitutions:

"by vote**of the qualified electors voting thereon" for "with the assent etc."

"as shown by the last" for "to be ascertained by etc.")

c. Any county or city may, WITH THE ASSENT of two-thirds of the VOTERS thereof voting ON THE PROPOSITION, incur an additional indebtedness for county or city purposes not to exceed five per centum on the taxable property THEREIN ASCERTAINED AS AFORESAID.

Section 12 (c). Any county or city, by vote of two-thirds of the qualified electors thereof voting thereon, may incur an additional indebtedness for county or city purposes not to exceed five per centum of the taxable tangible property shown as provided in section 12 (b).

(Changes. Omission of bold faced words.

Transposition of "may".

Substitutions:

"by vote of the qualified electors voting thereon" for "with the assent etc".

"shown as provided in section 12 (b)" for "to be ascertained etc.")

e. Any city may, WITH THE ASSENT of two-thirds of the VOTERS thereof voting ON THE PROPOSITION, become indebted not exceeding in the aggregate an additional ten per centum on the value of the taxable property THEREIN, AS AFORESAID, for the purpose of acquiring rights of way, constructing, extending and improving the streets and avenues and acquiring rights of way, constructing, extending and improving sanitary or storm sewer systems. The governing body of SUCH city may provide that any portion or all of the cost of any such improvement be levied and assessed by SUCH governing body on property benefited by such improvement and, IN SUCH EVENT, SUCH city shall collect any special assessments so levied and shall use the same to reimburse SUCH city for the amount paid or to be paid by it on the bonds of SUCH city issued on account of such improvement.

Section 12 (d). Any city, by vote of two-thirds of the qualified electors thereof voting thereon, may become indebted not exceeding in the aggregate an additional ten per centum of the value of the taxable tangible property shown as provided in section 12 (b), for the purpose of acquiring rights of way, constructing, extending and improving the streets and avenues and acquiring rights of way, constructing, extending and improving sanitary or storm sewer systems. The governing body of the city may provide that any portion or all of the cost of any such improvement be levied and assessed by the governing body on property benefited by such improvement and, the city shall collect any special assessments so levied and shall use the same to reimburse the city for the amount paid or to be paid by it on the bonds of the city issued on account of such improvement.

(Changes. Omission of bold faced words.
Transposition of "may".
Substitutions same as in section 12 (c).
also "the" for "such".
Change of section number from 12 e. to 12 (d).)

See Section 17 below.

Section 12 (e). Any city, by vote of two-thirds of the qualified electors thereof voting thereon, may incur an indebtedness in an amount not to exceed an additional ten per centum of the value of the taxable tangible property shown as provided in section 12 (b), for the purpose of paying all or any part of the cost of purchasing or constructing waterworks, electric or other light plants to be owned exclusively by the city, provided the total general obligation indebtedness of the city shall not exceed twenty per centum of the assessed valuation.

(Changes. Omission of bold faced words.
Transposition of "may".

Substitutions:
"by vote of***of the qualified electors thereof voting thereon" for "with the assent of etc."
"taxable property shown etc", for "taxable property therein to be ascertained etc".

"of the assessed valuation" for "on such assessment".)

f. Before OR AT THE TIME OF incurring any indebtedness ANY county, city (OR incorporated town or village), school district, or other political corporation or subdivision of the State shall provide for the collection of an annual tax upon all taxable property therein sufficient to pay the interest ON and THE principal of SUCH indebtedness as it falls due, and to retire the same within twenty years from the TIME OF CONTRACTING THE SAME.

Section 12 (f). Before incurring any indebtedness every county, city, incorporated town or village, school district, or other political corporation or subdivision of the state shall provide for the collection of an annual tax on all taxable tangible property therein sufficient to pay the interest and principal of the indebtedness as they fall due, and to retire the same within twenty years from the date contracted.

(Changes. Omission of brackets, capitalization and bold faced words.

Substitutions:

"every" for "any" and "the" for "such".

"they fall due" for "it falls due".

"from the date contracted" for "from the time of contracting the same".)

g. All elections HELD PURSUANT to this article may be contested as provided by law.

Section 12 (g). All elections under this article may be contested as provided by law.

(Changes. Substitution of "under this article" for "held pursuant to this article".)

Section 14. Any city (or incorporated town or village) in this state may, WITH THE ASSENT of four-sevenths of the VOTERS thereof voting ON THE PROPOSITION AT AN ELECTION HELD FOR THAT PURPOSE, issue, sell, AND DELIVER THE negotiable interest bearing revenue bonds OF SUCH CITY for the purpose of paying all or ANY part of the cost of purchasing, constructing, extending or improving any revenue producing water WORKS, gas WORKS, electric light works, heating PLANTS, power PLANTS or airports, to be owned exclusively by SUCH CITY, the cost of operation and maintenance and the principal and interest of SUCH REVENUE bonds to be payable solely from the revenues TO BE derived by SUCH CITY from the operation of SAID utility.

Section 13. Any city or incorporated town or village in this state, by vote of four-sevenths of the qualified electors thereof voting thereon, may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, constructing, extending or improving any revenue producing water, gas or electric light works, heating or power plants, or airports, to be owned exclusively by the municipality, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenues derived by the municipality from the operation of such utility.

(Changes. Omission of brackets and bold faced words.

Substitutions:

"by vote of***qualified electors thereof voting thereon" for "with the assent of etc.".

"the" for "such", and "its negotiable" for "the negotiable**of such city".

"municipality" for "city".

"such utility" for "said utility".)

Section 15. For the purpose of refunding, extending, and unifying the whole or any part of its valid bonded indebtedness any county, city, school district, or other political corporation or subdivision of the State may, under such terms and conditions AS MAY BE prescribed by law, issue refunding bonds not exceeding in amount the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of such refunding bonds. The governing authority shall provide for the payment of interest at not to exceed the same rate and the principal of such refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

Section 16. The moneys arising from any loan, debt, or liability contracted by the State, or any county, city, or other political subdivision, shall be applied to the purposes for which they were obtained, or to the repayment of such debt or liability, and not otherwise.

Section 14. For the purpose of refunding, extending, and unifying the whole or any part of its valid bonded indebtedness any county, city, school district, or other political corporation or subdivision of the state, under terms and conditions prescribed by law may issue refunding bonds not exceeding in amount the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of such refunding bonds. The governing authority shall provide for the payment of interest at not to exceed the same rate, and the principal of such refunding bonds, in the same manner as was provided for the payment of interest and principal of the bonds refunded.

(Changes. Omission of capitalization and bold faced words.

Transposition of "may".)

Section 15. The moneys arising from any loan, debt, or liability contracted by the state, or any county, city, or other political subdivision, shall be applied to the purposes for which they were obtained, or to the repayment of such debt or liability, and not otherwise.

Section 17. Any city may WITH THE ASSENT of two-thirds of the VOTERS thereof voting ON THE PROPOSITION incur an indebtedness in an amount not to exceed an additional ten per centum on the value of the taxable property THEREIN TO BE ASCERTAINED BY THE LAST COMPLETED ASSESSMENT for the purpose of paying all or any part of the cost of purchasing or constructing waterworks, electric or other light plants to be owned exclusively by the city. Provided, the total general obligation indebtedness of such city shall not exceed twenty per centum on SUCH ASSESSMENT.

(Changes. No changes except in capitalization of "state".)

This section will be found as section 12 (e), Supra.

ALROY S. PHILLIPS
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RICHARD S. RIGHTER
ALLEN McREYNOLDS

√

ENGROSSED

FILE NO. 14

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

NEW ARTICLE.

Reported from the Committee on State Finance (except Taxation)—Expenditures, Public Indebtedness and Restrictions Thereon.—No. 11, March 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 6, 48, 61, 66, 71, 84, 169, 178, 196, 201, 214, 234, 247, 266, 283, 284, Sections 14 and 17, Art. X of 313, 321, 334 be adopted.

Taken up July 19, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment July 19, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment August 8, 1944.

Read 2nd time August 23, 1944.

Report of the Committee on Phraseology, Arrangement and Engrossment adopted, as corrected. Rules suspended, File No. 14 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 23, 1944.

Engrossed File No. 14 reported from the Committee on Phraseology, Arrangement and Engrossment August 30, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE —

DEPARTMENT OF REVENUE

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 14, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on August 23, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 14

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE —

DEPARTMENT OF REVENUE

Present Constitution	Engrossed File	Origin
Article V	**Article —**	
	Department of Revenue	
Sec. 22. Executive officers, managers of institutions, duties, accounts, penalties.—An account shall be kept by the officers of the executive department of all moneys and choses in action disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may at any time require information, in writing, under oath, from the officers of the executive department, and all officers and managers of state institutions, upon any subject relating to the condition, man-	Section 1. **The department of revenue shall be in charge of a director of revenue, and shall have divisions of collection, budget and comptroller, and other divisions as provided by law. The division of collection shall collect all taxes, licenses and fees payable to the state, except that county and township collectors shall collect the state tax on tangible property until otherwise provided by law. The division of the budget and comptroller shall assist the director of revenue in preparing estimates and information concerning receipts and expenditures of all state agencies as required by the gov-**	New Section.

agement and expenses of their respective offices and institutions; which information, when so required, shall be furnished by such officers and managers, and any officer or manager who at any time shall make a false report, shall be guilty of perjury and punished accordingly.

ernor and general assembly. The comptroller shall be director of the budget, and shall preapprove all claims and accounts and certify them to the state auditor for payment.

Article X

Sec. 19. Money to be paid as appropriated—limit—how continued—receipts and expenditures.—No moneys shall ever be paid out of the treasury of this State, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made, or a warrant shall have issued therefor, within two years after the passage of such appropriation act; and every such law, making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such sum or object. A regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Section 2. **The fiscal year of the state and all its agencies shall be the twelve months beginning on the first day of July in each year.** The general assembly shall make appropriations **for one** or two fiscal years, **and the 63rd General Assembly shall also make appropriations for the six months ending June 30, 1945.** Every appropriation law shall distinctly specify the amount and purpose of the appropriation without reference to any other law to fix the amount or purpose.

Section 13,022 R. S. 1939 for fiscal year.

Section 19 of 1875.

Article V

Sec. 13. Executive budget—contents—submission to legislature.—The Governor shall, not later than fifteen days after the convening of the General Assembly in each biennial session, submit a budget showing estimated available revenues of the state for the ensuing biennium and recommending a complete plan of expenditures. All recommended expenditures and appropriations shall be itemized. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items or portions of items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items, or portions of items, to which he objects, and the appropriations, or portions thereof, objected to shall not take effect. If the General Assembly be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items or portions thereof objected to shall be separately reconsidered. If it be not in session, then he shall transmit the same within thirty days to the office of the Secretary of State, with his approval or reasons for disapproval: *Provided, however*, nothing herein contained shall be construed as

Section 3. The governor shall, within **thirty** days after it convenes in each regular session, submit to the general assembly a budget for the ensuing **appropriation period,** containing the estimated available revenues of the state and a complete and itemized plan of **proposed** expenditures **of the state and all its agencies, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures.**

Section 13, Section 10 (opposite section 10 of Engrossed File No. 16.)

authorizing the Governor to reduce any appropriation for free public school purposes.

Section 4. **Until it acts on all the appropriations recommended in the budget, neither house of the general assembly shall pass any appropriation other than emergency appropriations recommended by the governor.**

New Section.

Section 5. The governor may object to one or more items or portions of items of appropriation of money in any bill presented to him, while approving other portions of the bill. On signing it he shall append to the bill a statement of the items or portions of items to which he objects and such items or portions shall not take effect. If the general assembly be in session he shall transmit to the house in which the bill originated a copy of the statement, and the items or portions objected to shall be reconsidered separately. If it be not in session he shall transmit the bill within **forty-five days** to the office of the secretary of state with his approval or reasons for disapproval. The governor shall not reduce any appropriation for free public schools, **or for the payment of principal and interest on the public debt.**

Section 13, opposite Engrossed Section 3.

Section 6. The governor may control the rate at which any appropriation is expended during the period of the appropriation by allotment or other means, and may reduce the expenditures of the state or any of its agencies below their appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based.

New Section.

Section 7. No money shall be withdrawn from the state treasury except by warrant drawn in accordance with an appropriation made by law, nor shall any obligation for the payment of money be incurred unless the comptroller certifies it for payment and the state auditor certifies that the expenditure is within the purpose of the appropriation and that there is in the appropriation an unencumbered balance sufficient to pay it. At the time of issuance each such certification shall be entered on the general accounting books as an encumbrance on the appropriation. No appropriation shall confer authority to incur an obligation after the termination of the fiscal period to which it relates, and every appropriation shall expire six months after the end of the period for which made.

Section 43 of Article IV, (opposite Phraseology section 36) of File No. 17.

Section 19 of Article X (opposite engrossed section 2), and Section 16 of Article IX (opposite engrossed section 15 of File No. 16.)

	Section 8. **As prescribed by law all counties, cities, other legal subdivisions of the state, and public utilities owned and operated by such subdivisions shall have an annual budget, file annual reports of their financial transactions, and be audited.**	New Section.
Article IV		
Sec. 44. General Assembly not to contract debts, exceptions.—The General Assembly shall have no power to contract or to authorize the contracting of any debt or liability on behalf of the State, or to issue bonds or other evidences of indebtedness thereof, except in the following cases: *First*, In renewal of existing bonds, when they cannot be paid at maturity, out of the sinking fund or other resources. *Second*, On the occurring of an unforeseen emergency, or casual deficiency of the revenue, when the temporary liability incurred, upon the recommendation of the Governor first had, shall not exceed the sum of two hundred and fifty thousand dollars for any one year, to be paid in not more than two years from and after its creation.	Section 9. The general assembly shall have no power to contract or authorize the contracting of any liability of the state, or to issue bonds therefor, except (1) **to refund outstanding bonds, the refunding bonds to mature not more than twenty-five years from date,** (2) on the recommendation of the governor, for a temporary liability to be incurred by reason of unforeseen emergency or casual deficiency in revenue, in a sum not to exceed **one million dollars** for any one year and to be paid in not more than **five** years from its creation, and (3) **when the liability exceeds one million dollars, the general assembly as on constitutional amendments, or the people by the initiative, may also submit a measure containing the amount, purpose and terms of the liability, and if the measure is approved by a majority of the qualified electors of the state voting thereon at the**	Section 44 of Article IV.

Third, On the occurring of any unforeseen emergency, or casual deficiency of the revenue, when the temporary liability incurred or to be incurred shall exceed the sum of two hundred and fifty thousand dollars for any one year, the General Assembly may submit an act providing for the loan, or for the contracting of the liability, and containing a provision for levying a tax sufficient to pay the interest and principal when they become due (the latter in not more than thirteen years from the date of its creation), to the qualified voters of the State, and when the act so submitted shall have been ratified by a two-thirds majority, at an election held for that purpose, due publication having been made of the provisions of the act for at least three months before such election, the act thus ratified shall be irrepealable until the debt thereby incurred shall be paid, principal and interest.

Fourth, The object of this amendment is, in recognition of military service, to provide employment and rural homes for soldiers, sailors, marines, and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the Central

election, the liability may be incurred, and the bonds issued therefor must be retired serially and by instalments within a period not exceeding twenty-five years from their date. Before any bonds are issued under this section the general assembly shall make adequate provision for the payment of the principal and interest, and may provide an annual tax on all taxable property in an amount sufficient for the purpose.

Powers and have been repatriated, and who have been honorably discharged, hereafter referred to as "soldiers;" and to accomplish such purposes by co-operation with the agencies of the United States engaged in work of a similar character. To provide the necessary funds for the State of Missouri to co-operate with the agencies of the United States, the contracting of the liability of the State of Missouri by the issuance of its bonds in an aggregate sum, not to exceed one million dollars, is hereby authorized and directed, said bonds to be in the denomination of one thousand or five hundred dollars each, or of both denominations (as the State Board of Fund Commissioners may determine) and be payable thirteen years from the issuance thereof; shall be payable to bearer in lawful money of the United States, and shall bear interest at a rate not to exceed four and one-half per centum a year (as the State Board of Fund Commissioners may determine) payable semi-annually on the first days of January and July of each year, and to that end suitable coupons shall be attached to each bond for the payment of said interest; each coupon shall have a facsimile of the signature of the State Treasurer engraved thereon. Said bonds shall be redeemable at the

option of the State after eight years from date; shall be signed by the Governor, and be countersigned by the Secretary of the State, with the great seal of the State attached; and shall be registered by the state auditor to which he shall certify on each bond, and authenticate such registration by his signature and his official seal attached; said bonds, when so prepared and executed, under the supervision of the state board of fund commissioners, shall be sold to the best advantage by said board, but for not less than par. The proceeds of said sales or sale shall constitute a fund to be designated as the soldiers' settlement fund, and shall be used exclusively as a revolving fund by the soldier settlement board or department for such period of time as it may designate, and for such projects of soldier settlement and at such costs as are approved by the governor, and requisitions upon the soldiers' settlement fund shall bear the governor's approval, after which, this fund with its accrued earnings shall be returned to the general revenue fund of the state. Contract or contracts for expenditures or loans to carry out the purpose of this act in excess of said one million dollars, with interest collected thereon, shall, to the amount of said excess, be illegal and void and for-

ever non-payable. That the general assembly shall, and does hereby levy an annual tax of one cent on the one hundred dollars valuation of the taxable property of the state for the payment of the accruing interest on the said bonds, and for the creation of a sinking fund for the payment thereof, said taxes, beginning with the year 1920, to be levied and collected annually as in case of other state taxes in this state, until said bonds are fully paid.

Sec. 46. Public money, grant of prohibited.—The General Assembly shall have no power to make any grant, or to authorize the making of any grant of public money or thing of value to any individual, association of individuals, municipal or other corporation whatsoever: *Provided*, That this shall not be so construed as to prevent the grant of aid in a case of public calamity.

Sec. 47. Municipalities not to lend credit or grant public money—pension firemen, etc.—pensioning blind—pensions or assistance to aged persons.—The General Assembly shall have no power to authorize any county, city, town or township, or other political corporation or subdivision of the State now existing, or that may be hereafter

Section 10. The general assembly shall have no power to grant public money or property, or lend or authorize the lending of public credit, to any **private person,** association or corporation, excepting aid in public calamity, and general laws providing for pensions for the blind, **for old age assistance, for aid to dependent or crippled children or the blind, for direct relief, for adjusted compensation, bonus or rehabilitation for discharged members of the armed services of the United States who were bona fide residents of this state during their service, and for the rehabilitation of other persons. Money or property may also be received from the United States and be redistributed together with public money of this state for any public purpose designated by the United States.**

Sections 46 and 47 of Article IV.

established, to lend its credit, or to grant public money or thing of value in aid of or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company: *Provided*, that this shall not be so construed as to prohibit the General Assembly from authorizing any municipality in this state to provide by ordinance for the pensioning of members of any organized fire department of any such city, village or incorporated town and the widows and minor children of deceased members thereof, by such cities, villages or incorporated towns as may have an organized fire department—said fund to be taken from the municipal revenue of such cities, villages or incorporated towns; and nothing in this Constitution contained shall prohibit or be construed to prohibit the exercise of such power or authority by the General Assembly: *Provided further*, that nothing in this Constitution contained shall be construed as prohibiting the General Assembly from granting, or authorizing the granting of, pensions to the deserving blind, as may be provided and regulated by law: *Provided further*, that the General Assembly of the State of Missouri shall cause an annual tax of not less than one-half of one cent nor more than three

The general assembly shall provide an annual tax of not less than one-half of one cent nor more than three cents on the one hundred dollars valuation of all taxable property to be levied and collected as other taxes, for the purpose of providing a fund to be appropriated and used for the pensioning of the deserving blind as provided by law. Any balance remaining in the fund after the payment of the pensions may be appropriated for the adequate support of the commission for the blind, and any remaining balance shall be transferred to the distributive public school fund.

cents on the one hundred dollars valuation of the taxable property of the State to be levied for the purpose of providing a fund to be devoted in the manner provided by law to the pensioning of the deserving blind. If any balance shall exist in such fund after the deserving blind have been pensioned, then the same, or so much thereof as may be necessary, may be used for the support of the commission for the blind. And if there shall be a balance in said fund after the blind have been pensioned, and the commission for the blind has received adequate support, then the same shall be transferred to the distributive public school fund. Said tax shall be levied and collected annually in the same manner as other State taxes are levied and collected, and such fund shall be subject to appropriation for above purposes by the General Assembly: *Provided further*, that nothing in this Constitution contained shall be construed as prohibiting the General Assembly from granting or authorizing the granting, under such conditions and regulations as may be provided by law, of pensions or assistance to persons over sixty-five years of age, who are incapacitated from earning a livelihood and are without means of support.

Sec. 47a. Benefits to teachers.—Nothing in this Constitution contained shall be construed as prohibiting payments, from any public funds, into a fund or funds, for paying benefits, upon retirement, disability, or death, to persons employed and paid out of any public fund, for educational services, their beneficiaries, or their estates.

Section 11. No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any **private** individual, association or corporation, except that the general assembly may authorize any municipality to provide for the pensioning of the salaried members of its organized police force or fire department and the widows and minor children of the deceased members, **and may authorize any city of more than 100,000 inhabitants to provide for the pensioning of other employees,** and may also authorize payments from any public funds into a fund or funds for paying benefits upon retirement, disability or death to persons employed and paid out of any public fund for educational services, and to their beneficiaries or estates.

Section 47 of Article IV (opposite engrossed Section 10.)

Section 47a of Article IV.

ARTICLE IX

Sec. 19. Municipal indebtedness, payment of.—The corporate authorities of any county, city, or other municipal subdivision of this State, having more than two hundred thousand inhabitants, which has already exceeded the limit of indebtedness prescribed in section twelve of article X of this Constitution, may, in anticipation of the customary annual

Section 12 (a). No county, city, incorporated town or village, school district or other political corporation or subdivision of the state shall become indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years, except as otherwise provided in this Constitution.

Section 19 of Article IX.

Notes for Sections 12 (a)-(f).

Sections 12 and 12 (a) of Article X.

revenue thereof, appropriate, during any fiscal year, toward the general governmental expenses thereof, a sum not exceeding seven-eights of the entire revenue applicable to general governmental purposes (exclusive of the payment of the bonded debt of such county, city or municipality) that was actually raised by taxation alone during the preceding fiscal year; but until such excess of indebtedness cease, no further bonded debt shall be incurred, except for the renewal of other bonds.

ARTICLE X.

Sec. 12. Municipal indebtedness, limit of—how increased—exceptions as to certain cities.—No county, city, town, township, school district or other political corporation or subdivision of the State shall be allowed to become indebted in any manner or for any purpose to an amount exceeding in any year the income and revenue provided for such year, without the consent of two-thirds of the voters thereof voting on such proposition, at an election to be held for that purpose; nor in cases requiring such assent shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding five per centum on

Section 12 (b). Any county, city, incorporated town or village, school district or other political corporation or subdivision of the state, by vote of two-thirds of the qualified electors thereof voting thereon, may become indebted in an amount not to exceed five per centum of the value of taxable **tangible** property therein as shown by the **last completed** assessment for state and county purposes.

Section 12 (c). **Any** county or city, by vote of two-thirds of the qualified electors thereof voting thereon, may incur an **additional** indebtedness for county or city purposes not to exceed **five** per

Sections 14 and 15 of Article XIV, printed opposite engrossed section 9 of File No. 7. (Relating to 40 year improvement and Turkey Creek sewer bonds in Kansas City.)

the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for State and county purposes, previous to the incurring of such indebtedness, except that cities having a population of seventy-five thousand inhabitants or more may, with the assent of two-thirds of the voters thereof voting on such proposition at an election to be held for that purpose, incur an indebtedness not exceeding ten per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for State and county purposes previous to the incurring of such indebtedness; such proposition may be submitted at any election, general or special: *Provided*, that with such assent any county may be allowed to become indebted to a larger amount for the erection of court house or jail, or for the grading, construction, paving, or maintaining of paved, graveled, macadamized or rock roads and necessary bridges and culverts therein; *and provided further*, that any county, city, town, township, school district or other political corporation or subdivision of the State, incurring any indebtedness requiring the assent of the voters as aforesaid, shall before or at the time of doing

centum of the taxable **tangible** property shown as provided in section 12 (b).

Section 12 (d). Any city, by vote of two-thirds of the qualified electors thereof voting thereon, may become indebted not exceeding in the aggregate an **additional ten per centum** of the value of the taxable tangible property shown as provided in section 12 (b), for the purpose of **acquiring rights of way,** constructing, **extending and improving** the streets and avenues and **acquiring rights of way,** constructing, extending and **improving sanitary or storm sewer systems. The governing body of the city may provide that any portion or all of the cost of any such improvement be levied and assessed by the governing body on property benefited by such improvement, and the city shall collect any special assessments so levied and shall use the same to reimburse the city for the amount paid or to be paid by it on the bonds of the city issued for such improvement.**

Section 12 (e). **Any** city, by vote of two-thirds of the qualified electors thereof voting thereon, may incur an indebtedness in an amount not to exceed an additional ten per centum of the value of the taxable **tangible** property shown as provided in section 12 (b), for the purpose

so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same; *and provided further*, that the corporate authorities of the city of St. Louis are hereby authorized to issue interest-bearing bonds of said city in the amount of five million dollars, at a rate of interest not to exceed four per cent per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the corporation organized for the celebration of the Louisiana purchase centennial in said city, to be used by said corporation for said celebration, holding a world's fair or exposition in said city. And said corporate authorities of St. Louis shall be repaid as large a proportionate amount of the aid given by them as shall be repaid to the stockholders of said corporation on the sum subscribed and paid by them, and any surplus remaining from the assets of said corporation after said stockholders and said city shall have been paid in full, shall be divided between said stockholders and said city in proportion to the aggregate amount of said stock so paid in and the of paying all or any part of the cost of purchasing or constructing waterworks, electric or other light plants to be owned exclusively by the city, provided the total general obligation indebtedness of the city shall not exceed **twenty** per centum of the assessed valuation.

Section 12 (f). Before incurring any indebtedness every county, city, incorporated town or village, school district, or other political corporation or subdivision of the state shall provide for the collection of an annual tax on all taxable **tangible** property therein sufficient to pay the interest and principal of the indebtedness as they fall due, and to retire the same within twenty years from the date contracted.

amount so loaned by said city; and any amount so received by said city from said corporation shall be paid into the sinking fund of said city for the redemption of its outstanding bonds: *Provided*, that if, at the election for the adoption of this amendment to the Constitution, a majority of the votes cast within the limits of said city of St. Louis voting for and against this amendment shall be against its adoption, then no bonds shall be issued under this amendment; *and provided further*, that no such indebtedness so created shall be in any part thereof paid by the state or from any state revenue, tax or fund, but the same shall be paid by the city of St. Louis alone: *Provided*, that in the city of St. Louis the amount of bonds now aggregating $6,111,000, that being the amount assumed by said city in the scheme of separation from the county of St. Louis, and the sum of $5,808,000 heretofore prior to January 1, 1901, expended in the construction of waterworks for the city of St. Louis and any bonds which may be hereafter issued by said city in the construction and improvement of waterworks, the payment of the interest whereon and the principal whereof shall be provided from the revenues of said waterworks; that is to say, the amount of

said bonds which shall be outstanding at the time shall not be included in the computation of the existing bonded indebtedness in determining the amount of bonds authorized to be issued by said city with the assent of two-thirds of the voters under the provisions of this article, but said city shall be authorized at any time to issue bonds, with the assent aforesaid, to an amount, including outstanding indebtedness, other than that above named, to the amount of ten per cent, of the value of the taxable property in said city, to be ascertained as above provided, and said city shall have power, with such assent of the voters, to issue bonds for the construction and improvement of waterworks, the interest whereon and the principal whereof shall be provided for from the income of said waterworks. Said city shall establish a sinking fund for the payment of the bonds so authorized according to the times fixed for the maturity of the same: *Provided further*, that any city which now has or may hereafter attain a population of seventy-five thousand or more inhabitants may acquire, by purchase, condemnation or construction, waterworks, gas works, electric light works, street railways, telegraph and telephone systems, heating plants, ice or refriger-

ation plants, or any other plant, system or public service institution, within or outside of the limits or such city, for the use of the city or its citizens, and for the purpose of paying therefor, in whole or in part, may issue public utilities bonds, which public utilities bonds shall not be included in the liabilities or indebtedness of the city limited by the prior provisions of this section; but the total amount of such public utilities bonds to be issued by such city shall not exceed twenty per centum of the value of the taxable property in said city, to be ascertained as above specified. The principal of said public utilities bonds shall not constitute an obligation of the city enforceable out of the funds raised by taxation. Such city may also issue its bonds, other than public utilities bonds, for the payment, in whole or in part, for such public utilities, and such bonds, other than public utilities bonds, shall constitute a direct obligation of the city, but the total amount of such bonds, other than public utilities bonds, shall not exceed in the aggregate ten per centum of the taxable property therein, as hereinbefore provided, but such bonds, other than public utilities bonds, shall require the assent of two-thirds of all the legal votes cast on that proposition. The

ordinance authorizing the purchase, condemnation or construction of such public service plant or system shall provide what portion, if any, of the cost thereof shall be paid by issue of public utilities bonds, and what portion, if any, shall be paid by issue of general bonds of the city, other than public utilities bonds. The principal and the interest of such public utilities bonds shall be paid out of the earnings or sale of the utilities plant or system for the acquisition of which said issue was made, but the city may thereafter provide, by ordinance, for the payment in any year of any part of the interest or principal of said bonds due in that year, out of the general revenue of that year raised by general taxation. Such city shall have power to execute its mortgage or mortgages on any such utility, or any addition thereto, or extension thereof, to secure the payment of such public utilities bonds, and in case of default in the payment of such public utilities bonds, and the interest thereon or interest thereon, said bondholders, or their representatives, may appeal to any court of competent jurisdiction, sitting in the county or city in which such city is located, and said court may, in its discretion, if said default continue, appoint a receiver to take charge of such prop-

erty, and such receiver shall operate said property pending such proceeding in such court, and until a final decree of foreclosure in such proceeding, and for a period of one year thereafter, during which period the city may, upon payment to the bondholders of all indebtedness past due, and court costs, and receiver's obligations, retake said property, subject to its unmatured obligations. If said property is not thus retaken by the city in said period of redemption, said receiver shall deliver said property to such party, as the court in such action may order, and thereupon all liability of the city on said bonds shall cease and determine and its rights as owner of said utility or plant shall cease, and determine, and thereafter said utility or plant shall be operated by the party named in said order of courts, or his successors or assigns, in conformity with and subject to the provisions of the ordinance authorizing the acquisition or purchase or construction of said public utility or plant, and the issuance of bonds therefor, but such city shall not issue any such public utilities bonds without the assent of four-sevenths of the voters thereof, voting on that proposition, at an election to be held for that purpose, and such proposition may be submitted at a special elec-

tion or at a general election, in either of which events if four-sevenths of all of the legal votes cast on such proposition are in favor of the issue of said bonds, the city shall have authority to issue the same. Such utility may be acquired by condemnation proceedings in the same manner that such city may acquire real estate for public purposes, or in such other manner as may be provided by law. Such city may, by a vote of the people in the manner herein provided, take up any public utilities bonds and issue its general bonds in lieu thereof, and may take up any general bonds issued on account of any public utility and issue public utilities bonds in lieu thereof, whenever there exists such debt-making power of the city as will authorize the issue of such new bonds, but no substitution shall be made without the consent of the holders of such bonds

Sec. 12a. Certain cities allowed to incur additional indebtedness for waterworks, ice plants and light plants.—Any city in this State containing not more than thirty thousand (30,000) inhabitants, may, with the assent of two-thirds (⅔) of the voters thereof voting at an election held for that purpose, be allowed to become indebted in a larger amount than specified in section 12 of

article 10 of the Constitution of this State, not exceeding an additional ten (10) per centum on the value of the taxable property therein, for the purpose of purchasing or constructing waterworks, ice plants, electric or other light plants, to be owned exclusively by the city so purchasing or constructing the same: *Provided*, that any such city incurring any such indebtedness requiring the assent of the voters, as aforesaid, shall have power to provide for, and before or at the time of incurring such indebtedness shall provide for the collection of an annual tax, in addition to the other taxes provided for by this Constitution, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty (20) years from the time of contracting the same, any provisions in this Constitution to the contrary notwithstanding.

Section 12 (g). **All elections under this article may be contested as provided by law.**

New Section.

Section 13. Any city or incorporated town or village in this state, by vote of four-sevenths of the qualified electors thereof voting thereon, may issue and

Section 12 of Article X (opposite engrossed sections 12 (a)-(f)).

sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, constructing, **extending or improving** any revenue producing water, gas or electric light works, heating or power plants, or airports, to be owned exclusively by the municipality, the **cost of operation and maintenance** and the principal and interest of the bonds to be payable solely from the revenues derived by the municipality from the operation of such utility.

New Section.

Section 14. **For the purpose of refunding, extending, and unifying the whole or any part of its valid bonded indebtedness any county, city, school district, or other political corporation or subdivision of the state, under terms and conditions prescribed by law may issue refunding bonds not exceeding in amount the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of such refunding bonds. The governing authority shall provide for the payment of interest at not to exceed the same rate, and the principal of such refunding bonds, in the same manner as was provided for the payment of interest and principal of the bonds refunded.**

Sec. 20. Money from loans, etc.—how applied by State or municipal corporations.—The moneys arising from any loan, debt or liability, contracted by the State, or any county, city, town or other municipal corporation, shall be applied to the purposes for which they were obtained, or to the repayment of such debt or liability, and not otherwise.

Section 15. The moneys arising from any loan, debt, or liability contracted by the state, or any county, city, **or other political subdivision,** shall be applied to the purposes for which they were obtained, or to the repayment of such debt or liability, and not otherwise.

Section 20 of Article X.

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COMMENTS ON

FILE NO. 15

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

THE REPORT OF THE COMMITTEE ON THE JUDICIAL DEPARTMENT NUMBER 5

Committee No. 5 has completely revised and rearranged Article VI of the present Constitution. It has included in 28 sections (excluding judicial selection) more matter than is contained in the 61 sections of the present Article, which we have shortened about 50%.

The committee report cannot be conveniently compared section by section with the original Article. The following remarks are intended to help the delegates follow substantive changes and not as a comment on the merits of the work. No statement is included on sections the substance of which is unchanged from the present Article.

The composition and jurisdiction of all appellate courts, the circuit courts, and the probate courts, remain the same as at present. The "county courts" (old section 36) have been eliminated and their judicial powers therefore cease to exist. Justices of the peace are abolished when their present terms end. They are replaced by magistrate courts (Sections 17, 18, 19 and 20).

Section 1. The St. Louis courts of criminal correction, the existing courts of common pleas and the magistrate courts have been included in the enumeration in Section 1.

Section 5 is new. It is intended to give adaptability to our judicial system, by permitting judges to be assigned where needed.

Section 6 enables the Supreme Court to sit in divisions as convenience may require instead of the rigid system provided in Section 1 of the Amendment of 1890, under which a judge becomes a permanent member of division one or division two. Section 6 also permits a court of appeals to sit in more than one division. This would only occur if for the purpose of taking care of pressing business additional judges were temporarily assigned to a court of appeals for the purpose of helping dispose of the docket.

Section 7 provides that the Chief Justice of the Supreme Court and the presiding judges of the courts of appeals shall be elected by the respective courts for four-year terms. In the case of the Chief Justice it was thought desirable to end the present practice of rotating the office each year, in the interest of good administration. At present the presiding judge of each court of appeals is the member of the court who has the oldest license to practice. Sometimes this is not desirable.

Section 8 corresponds with Section 4 of the Amendment of 1890. The words "or when the division shall so order" and the words "or pursuant to Supreme Court rule" are new and are designed to give flexibility.

Section 9 is new. Its purpose is to give the Supreme Court a rather full power of review of the rulings of the courts of appeals in the interest of uniformity of decisions and to enable an authoritative announcement by the Supreme Court when needed. It bears some resemblance to the scope of review afforded the Supreme Court of the United States under the same writ.

Section 10. The object of this Section is to simplify appellate procedure and avoid a failure of justice on technical grounds.

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Section 11 is in substance the same as part of Section 3 of the Amendment of 1890.

In Section 14 the sentence "any circuit court judge may sit in any other circuit at the request of a judge thereof" is in substitution for old Section 29, and is intentionally broader.

Sections 17, 18, 19 and 20 provide for magistrate courts.

Section 21 is new. It is intended to enable the General Assembly to give the circuit court the jurisdiction of a court of claims if this should become desirable, yet avoid the creation of a new court.

Section 22 is new.

Section 23 increases the term of the Supreme Court from ten to twelve years to correspond to the present terms of the courts of appeals.

Section 24 prohibits judges from practicing law and abolishes the fee system in all courts.

Section 25 increases the citizenship qualification of appellate judges from five years a citizen of Missouri, as in old Section 6, to nine years a citizen of Missouri and ten years a citizen of the United States. The sentence "such appellate judges, to hold office, must be not less than thirty nor more than seventy-five years of age" is new. At present they need only be thirty years old. Section 25 provides probate judges must be at least twenty-five, and magistrates twenty-two years old. Subject to the qualifications set out, they must be licensed attorneys.

Section 28 is new, and is designed to replace old Section 41, and give a better remedy.

RICHARD S. RIGHTER,
Chairman, Judicial Department Committee.

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5 criminal correction, the existing courts of common pleas,
6 magistrates courts, and municipal corporation courts.

Section 2. The Supreme Court shall be the highest
2 court in the state. Its jurisdiction shall be coextensive
3 with the state. Its decisions shall be controlling in all
4 other courts. It shall be composed of seven judges, who
5 shall hold their sessions in Jefferson City at times fixed by
6 the court.

Section 3. The Supreme Court shall have exclusive
2 appellate jurisdiction in all cases involving the construc-
3 tion of the Constitution of the United States or of this state,
4 the validity of a treaty or statute of the United States,
5 or any authority exercised under the laws of the United
6 States, the construction of the revenue laws of this state,
7 the title to any office under this state, the title to real estate,
8 in all civil cases where the state or any county or other
9 political subdivision of the state or any state officer as
10 such is a party, in all cases of felony, in other classes of
11 cases provided by law, and until otherwise provided by
12 law, in all cases where the amount in dispute, exclusive
13 of costs, exceeds the sum of seventy-five hundred dollars.

Section 4. The Supreme Court, courts of appeals,
2 and circuit courts shall have a general superintending con-
3 trol over all inferior courts and tribunals in their jurisdic-
4 tions, and may issue and determine original remedial writs.

Section 5. The Supreme Court may transfer judicial
2 personnel from one court to another as the administration
3 of justice requires, and may establish rules with respect
4 thereto.

Section 6. The Supreme Court may sit in banc, or
2 in divisions, and courts of appeals may sit in divisions, as
3 such courts may from time to time determine. Each
4 division shall be composed of not less than three judges,
5 at least one of whom shall be a regular judge of the court.

Section 7. The Supreme Court shall elect one of their number Chief Justice, for a term of four years or until his successor is elected. He shall preside over the court in banc and perform such other duties as may be prescribed by the court. Each court of appeals shall elect a presiding judge for a term of four years or until his successor is elected, who shall preside over the court and perform such other duties as may be prescribed by the court.

Section 8. A cause in the Supreme Court shall be transferred to the court in banc when the members of a division are equally divided in opinion, or when the division shall so order, or on application of the losing party when a member of the division dissents from the opinion therein, or a federal question is involved, or pursuant to Supreme Court rule.

Section 9. Cases pending in any court of appeals shall be transferred to the Supreme Court when any member of the court of appeals or any division thereof dissents from the majority opinion and certifies that he deems said opinion to be contrary to any previous ruling of the Supreme Court or of any of the courts of appeals, and may, after opinion, be transferred to the Supreme Court by order of either the court of appeals or the Supreme Court because of the general interest or importance of a question involved in the case, or for the purpose of re-examining the existing law, or pursuant to Supreme Court rule. The Supreme Court may finally determine all causes coming to it from any court of appeals, whether by certification, transfer or certiorari, the same as original appeals.

Section 10. In all proceedings reviewable on appeal by the Supreme Court, or a court of appeals, appeals shall go direct to the court having jurisdiction thereof, but want of jurisdiction shall not be ground for dismissal,

5 and the proceeding shall be transferred to the appellate
6 court having jurisdiction thereof.

Section 11. The opinions of the Supreme Court and
2 courts of appeals and all divisions of said courts shall be
3 in writing and filed in the respective causes, and shall
4 become a part of the records of the court and be free for
5 publication.

Section 12. The courts of appeals shall be composed of
2 three judges each, and shall continue as now established,
3 with appellate jurisdiction coextensive with their districts,
4 the boundaries of which may be changed by law as public
5 convenience may require. They shall have jurisdiction
6 of appeals from all inferior courts in their districts except
7 appeals within the exclusive jurisdiction of the Supreme
8 Court. They shall hold sessions at places provided by law
9 and at times provided by their rules.

Section 13. The circuit courts shall have jurisdiction
2 over all criminal cases not otherwise provided for by law,
3 exclusive original jurisdiction in all civil cases not other-
4 wise provided for, and concurrent and appellate jurisdic-
5 tion as provided by law. Such courts shall sit at such times
6 and places in each county as may be by law directed.

Section 14. The state shall be divided into convenient
2 circuits of contiguous counties. In each circuit there shall
3 be at least one judge. Such circuits may be changed or
4 abolished by law as public convenience may require, but
5 no such change shall work the removal of any judge from
6 office during his term. Any circuit judge may sit in any
7 other circuit at the request of a judge thereof. In circuits
8 composed of a single county and having more than one
9 judge, the court may sit in general term or in divisions.

Section 15. There shall be a probate court in each
2 county with jurisdiction of all matters pertaining to probate
3 business, to granting letters testamentary and of administra-

4 tion, the appointment of guardians and curators of minors
5 and persons of unsound mind, settling the accounts of
6 executors, administrators, curators and guardians, and
7 the sale or leasing of lands by executors, administrators,
8 curators and guardians, and of such other matters as are
9 provided in this Constitution.

Section 16. Probate courts shall be courts of record
2 and uniform in their organization, jurisdiction and practice,
3 except that a separate clerk may be provided for, or the
4 judge may be required to act ex officio as his own clerk.

Section 17. There shall be a magistrate court in
2 each county. In counties of 30,000 inhabitants or less,
3 the probate judge shall be judge of the magistrate court.
4 In counties of more than 30,000 and not more than 70,000
5 inhabitants, there shall be one magistrate. In counties
6 of more than 70,000 and less than 100,000 inhabitants
7 there shall be two magistrates. In counties of 100,000
8 inhabitants or more there shall be two magistrates, and
9 one additional magistrate for each additional 100,000
10 inhabitants, or major fraction thereof. According to the
11 needs of justice and the financial ability of the county,
12 the foregoing number of magistrates in any county may be
13 increased by not more than two, or such increased number
14 may be decreased, by order of the circuit court on petition,
15 and after hearing on not less than thirty days public notice.

Section 18. After each census of the United States
2 the boards of election commissioners, or if none, the county
3 courts, shall divide counties having more than one magis-
4 trate into districts of compact and contiguous territory,
5 as nearly equal in population as may be, in each of which
6 one magistrate shall be elected. Each of such magistrates
7 shall have jurisdiction coextensive with the county, and
8 the magistrates may organize into a court or courts with
9 divisions.

Section 19. Until otherwise provided by law consistent
2 with this Constitution, the practice, procedure, administra-
3 tion and jurisdiction of magistrate courts, and appeals
4 therefrom, shall be as now provided by law for justices
5 of the peace; and magistrate courts shall have all judicial
6 powers now vested in county courts; and in counties of
7 less than seventy thousand inhabitants magistrate courts
8 shall have concurrent juvenile jurisdiction with the circuit
9 court, and the powers of the circuit judge in chambers
10 when the circuit judge is absent from the county.

Section 20. The general assembly shall provide for
2 the administration of magistrate courts consistent with
3 this Constitution.

Section 21. The general assembly may provide that
2 suits may be brought in the circuit court against the state,
3 and any subdivision or agency thereof.

Section 22. All final decisions, orders, findings, and
2 rules, judicial or quasi-judicial in nature of any administra-
3 tive commission, board, bureau, commissioner or any other
4 body or official now existing under the Constitution or
5 amendments thereto, or hereafter created by the Constitu-
6 tion or amendments thereto, or laws of this state or any
7 political subdivision thereof shall be subject to direct
8 review by the courts as may be provided by law; and such
9 review shall include the determination whether such de-
10 cision, order, finding, or rule is based upon the weight of
11 the evidence and is authorized by law.

Section 23. Judges of the Supreme Court and courts
2 of appeals shall be selected for terms of twelve years, judges
3 of the circuit courts for six years, judges of the probate
4 courts for four years, judges of the magistrate courts for
5 terms of four years, and all other judges for such terms as
6 may be provided by law.

Section 24. All judges and magistrates shall receive
2 such salary as is or may be provided by law. No judge's
3 salary shall be increased or diminished during his term of
4 office. No judge or magistrate shall receive any other or
5 additional compensation for any public service, or practice
6 law or do law business. The fees of all courts, judges and
7 magistrates shall be paid monthly into the treasury of the
8 state or to the county paying their salaries; provided that
9 judges and magistrates may also receive reasonable traveling
10 and other expenses as provided by law.

Section 25. Judges of the Supreme Court and courts
2 of appeals shall have been citizens of the United States for
3 at least 10 years, and qualified voters of this state for 9
4 years next preceding their selection. Such judges, to hold
5 office, must be not less than 30 nor more than 75 years of
6 age. Circuit judges shall have been citizens of the United
7 States for at least five years, and qualified voters of this
8 state three years next preceding their selection, and be not
9 less than 30 years of age and residents of the circuit. Judges
10 of probate and magistrate courts shall have been qualified
11 voters of this state, and residents of the county. Probate
12 judges shall be at least 25 and magistrates at least 22 years
13 of age. Every judge and magistrate shall be licensed to
14 practice law in this state, except that probate judges now
15 in office may succeed themselves as probate judges without
16 being so licensed, and except that persons who are now
17 justices of the peace, or who have heretofore been justices
18 of the peace for at least four years, shall be eligible to the
19 office of magistrate without being so licensed.

Section 26. All present judges shall hold their offices
2 until their terms expire, and the present compensation shall
3 continue until otherwise provided by law. All courts of
4 common pleas now existing, the St. Louis Courts of Criminal
5 Correction, and all circuit court circuits as now established,

shall continue until changed or abolished by law. The justices of the peace shall continue to hold their offices and receive the emoluments thereof until their terms of office expire, upon which their records shall be transferred to the magistrate courts.

Section 27. Appellate and probate courts shall appoint their own clerks.

Section 28. In case of inability of any judge of a court of record or magistrate to discharge the duties of his office with efficiency, by reason of continued sickness or physical or mental infirmity, he shall be removed or retired from the office by order of a committee composed of three judges of the Supreme Court, one judge of each of the courts of appeals, and three circuit judges, elected by the judges of the several courts, after notice and a fair hearing, if two-thirds of said committee concur in finding that said disability is of a permanent nature. Any judge so removed or retired from office shall continue to receive his compensation until the end of his regular term of office.

REPORT OF JUDICIAL SELECTION

Your Committee is evenly divided on the manner of judicial selection and therefore hereby refers back to the Convention without recommendation the two Plans of Judicial Selection pending before it, pursuant to Rule 14 of the Rules of the Constitutional Convention.

The following members of the Committee voted in favor of the Plan of Selection now in force (Sections 1 to 7 inclusive of the Amendment to Article VI of the Missouri Constitution adopted November 5, 1940) viz.:

Righter, Finnegan, Shepley, McVay, Park, Stevens, Potter, Hennings, Ford, Koenig, Kirk and Mayer.

The Plan of Selection now in force reads as follows:

Section 1. Whenever a vacancy shall occur in the office of judge of any of the following courts of this State, to-wit: the Supreme Court, the Courts of Appeals, the Circuit and Probate Courts within the City of St. Louis and Jackson County, and the St. Louis Court of Criminal Correction, the Governor shall fill such vacancy by appointing one of three persons, possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the Governor by a non-partisan judicial commission established and organized as hereinafter provided.

Section 2. At any general election, the qualified voters of any judicial circuit, outside of the City of St. Louis and Jackson County, may by a majority of those voting on such question elect to have the judges of the courts of record therein, other than judges of the county courts, appointed by the Governor in the manner provided herein for the appointment of judges to the courts designated in Section 1 of this amendment. The General Assembly may provide the manner in which such question shall be submitted to such voters.

Section 3. Each judge appointed pursuant to the provisions of this amendment shall hold office for a term ending December 31st following the next general election after the expiration of twelve months in such office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of this amendment become applicable to this office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of this amendment not become applicable to his office. Not less than sixty (60) days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is

13 subject to the provisions of this amendment may file in
14 the office of the Secretary of State a declaration of can-
15 didacy for election to succeed himself. If a declaration is not
16 so filed by any judge, the vacancy resulting from the ex-
17 piration of his term of office shall be filled by appointment
18 as herein provided. If such a declaration is filed, his name
19 shall be submitted at said next general election to the voters
20 eligible to vote within the geographic jurisdictional limits of
21 his court, or circuit in his office is that of Circuit Judge
22 on a separate judicial ballot, without party designation,
23 reading: "Shall Judge.....

(Here the name of the judge shall be inserted)

24 of the.....

(Here the title of the Court shall be inserted)

25 Court be retained in office? Yes No."

(Scratch One)

26 If a majority of those voting on the question vote against
27 retaining him in office, upon the expiration of his term of
28 office, a vacancy shall exist which shall be filled by appoint-
29 ment as provided in Section 1 of this amendment; otherwise,
30 said judge shall, unless removed for cause, remain in office
31 for the number of years after December 31st following
32 such election as is provided for the full term of such office,
33 and at the expiration of each such term shall be eligible for
34 retention in office by election in the manner here prescribed.

35 Whenever a declaration of candidacy for election to
36 succeed himself is filed by any judge under the provisions
37 of this section, the Secretary of State shall not less than
38 thirty (30) days before the election certify the name of said
39 judge and the official title of his office to the clerks of the
40 county courts, and to the boards of election commissioners
41 in counties or cities having such boards, or to such other
42 officials as may hereafter be provided by law, of all counties
43 and cities wherein the question of retention of such judge in

office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.

Section 4. Non-partisan judicial commissions whose duty it shall be to nominate and submit to the Governor names of persons for appointment as provided by this amendment are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the Supreme Court or of any Court of Appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of judge of any other court of record subject to the provisions of this amendment, there shall be one such commission, to be known as "The.....Circuit Judicial Commission," for each judicial circuit which shall be subject to the provisions of this amendment; the Appellate Judicial Commission shall consist of seven members, one of whom shall be the Chief Justice of the Supreme Court, who shall act as Chairman, and the remaining six members shall be chosen in the following manner: The members of the Bar of this state residing in each Court of Appeals District shall elect one of their number to serve as a member of said commission, and the Governor shall appoint one citizen, not a member of the Bar, from among the residents of each Court of Appeals District, to serve as a member of said commission; each Circuit Judicial Commission shall consist of five members, one of whom shall be the Presiding Judge of the Court of Appeals of the District

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26 within which the judicial circuit of such commission or the
27 major portion of the population of said circuit is situated,
28 who shall act as Chairman, and the remaining four members
29 shall be chosen in the following manner: The members of
30 the Bar of this state residing in the judicial circuit of such
31 commission shall elect two of their number to serve as
32 members of said commission, and the Governor shall appoint
33 two citizens, not members of the Bar, from among the
34 residents of said judicial circuit, to serve as members of
35 said commission; the terms of office of the members of such
36 commission shall be fixed by the Supreme Court of Missouri
37 and may be changed from time to time, but not so as to
38 shorten or lengthen the term of any member then in office.
39 No member of any such commission other than the Chair-
40 man shall hold any public office, and no member shall hold
41 any official position in a political party. Every such com-
42 mission may act only by the concurrence of a majority of
43 its members. The members of such commissions shall re-
44 ceive no salary or other compensation for their services as
45 such, but they shall receive their necessary traveling and
46 other expenses incurred while actually engaged in the dis-
47 charge of their official duties. All such commissions shall
48 be administered, and all elections provided for under this
49 section shall be held and regulated, under such rules as the
50 Supreme Court of Missouri shall promulgate.

Section 5. All expenses incurred in administering this
2 amendment, when approved by the Supreme Court of Mis-
3 souri, shall be paid out of the state treasury. The Supreme
4 Court shall certify such expense to the State Auditor, who
5 shall draw his warrant therefor payable out of funds not
6 otherwise appropriated.

Section 6. No judge of any court of record in the State
2 of Missouri, appointed to or retained in office in the manner
3 prescribed herein, shall directly or indirectly make any

4 contribution to or hold any office in a political party or
5 organization, or take part in any political campaign.

Section 7. All of the provisions of this amendment
2 shall be self-enforcing except those as to which action by
2 the General Assembly may be required.

The following members of the Committee voted in favor of a plan of judicial selection offered as a Committee Substitute:

Moore, Marr, Maupin, Benecke, Brown, Sater, Williams, Arnold, Tee, Phillips, Parker and Robison.

Said Committee Substitute is as follows:

Section 1. Candidates for judges of the Supreme
2 Court and Appellate Courts and of the Circuit and Probate
3 Courts and Courts of Criminal Correction within the City
4 of St. Louis and Jackson County shall be nominated by
5 non-partisan nominating commission.

Section 2. For the purpose of nominating candidates
2 for the office of the Supreme or any Appellate Court,
3 there shall be one such commission to be known as "The
4 Appellate Judicial Commission" consisting of one duly
5 licensed resident member of the bar and one citizen, not
6 a member of the bar, of each senatorial district in this
7 state, as such districts now exist or may be established.
8 The member from the bar shall be elected by the duly
9 licensed members of the bar who are qualified electors of
10 such district in such manner as shall be provided by the
11 Supreme Court. The other member from each of said
12 districts shall be appointed by the Governor.

13 Said Judicial Commission shall meet in the City of
14 Jefferson on the third Thursday in August immediately
15 prior to any general election at which a judge of the Supreme
16 Court is to be selected, and shall nominate two candidates
17 for each office on such court to be filled, provided one of

18 such nominees shall be the incumbent judge if he shall have
19 filed a declaration as a candidate for reelection as herein
20 provided.

21 Candidates for judge of the respective courts of appeals
22 shall be nominated by the members of said commission
23 residing within such Court of Appeals district, or who
24 represent senatorial districts the major portion of the
25 population of which is located within said Court of Appeals
26 district, who shall meet in the chambers, wherein such Court
27 is held, on the first Thursday in September immediately
28 prior to any general election at which a judge of such Court
29 of Appeals is to be selected and shall nominate two candi-
30 dates for each office of judge on such court to be filled, pro-
31 vided one of such nominees shall be the incumbent judge
32 if he shall have filed a declaration as a candidate for re-
33 election as herein provided.

34 All nominees for the office of judge of the Supreme
35 or Appellate Courts made by said commission, as herein
36 provided, shall be certified by the Chairman and Secretary
37 thereof and filed in the office of the Secretary of State
38 within ten days following such nominations.

Section 3. For the purpose of nominating candidates
2 for the office of judge of the Circuit and Probate Courts
3 within Jackson County and the Circuit Court, Probate
4 Court and Courts of Criminal Correction within
5 the City of St. Louis, there shall be one such commission
6 in each of the judicial circuits for Jackson County and the
7 City of St. Louis to be known as "THE.....
8 CIRCUIT JUDICIAL COMMISSION" consisting of one
9 duly licensed resident member of the bar and one citizen,
10 not a member of the bar, for each division of the circuit
11 court of such judicial circuit. The members of such com-
12 mission from the bar shall be elected by the duly licensed
13 members of the bar who are qualified electors of such

14 judicial circuit in such manner as shall be provided by the
15 Supreme Court. The other members shall be appointed
16 by the Governor. Said commissions shall meet in the
17 Court House in Kansas City and St. Louis respectively
18 on the second Thursday in September immediately prior
19 to any general election at which election a judge of any
20 of such courts is to be selected and shall nominate two can-
21 didates for each office of judge on any of such courts to be
22 filled, provided one of such nominees shall be the incumbent
23 judge, if he shall have filed a declaration as a candidate for
24 reelection as herein provided. The names of all such nom-
25 inees shall be certified by the Chairman and Secretary of
26 the proper commissions to the Board of Election Com-
27 missioners, or other proper officials within their respective
28 areas, within ten days following such nominations

Section 4. At any general election when a judge or
2 judges on any of the courts named in Section 1 is to be
3 selected, a separate judicial ballot containing no party
4 designation and entitled "Non-Partisan Juducial Ballot"
5 shall be prepared and certified as other ballots in general
6 elections. Said ballot shall contain the name of each
7 judicial office to be filled in the respective area and the
8 candidates therefor. No voter shall vote for more can-
9 didates for any such office than the number to be elected
10 thereto. The votes for each candidate shall be counted,
11 canvassed, returned, certified and proclaimed by such public
12 officials and in such manner as is provided by the general
13 election laws. The candidate receiving the greater number
14 of votes for each of said offices shall be elected.

Section 5. Any judge of the courts named in Section 1,
2 on or before the first Thursday in July next preceding the
3 expiration of his term of office, may file in the office of the
4 Secretary of State a written declaration of candidacy for
5 election to succeed himself and following the filing of such

6 declaration and at the meeting of the proper nominating
7 commission he shall be named as one of the two nominees
8 for such office. The Secretary of State shall certify to the
9 proper nominating commission, on or before the date fixed
10 for its meeting, the names of all judges within the geograph-
11 ical jurisdiction of such commission who have filed such
12 declarations.

Section 6. The terms of office of the members of the
2 nominating commissions herein created shall be for four
3 years, provided that the first members of the Appellate
4 Judicial Commission from the odd numbered senatorial
5 districts shall be selected for terms of two years and there-
6 after for terms of four years; and provided that one-half
7 of the first members of the circuit judicial commissions
8 shall be selected for terms of two years and thereafter for
9 terms of four years. No member of any judicial nominating
10 commission shall hold any other public office and no member
11 shall hold any official position in a political party. No
12 person shall at the same time hold membership on more
13 than one of said commissions. Every such commission,
14 or part thereof authorized to nominate judicial candidates,
15 may act only by the concurrence of the majority of its
16 members. The members of such commissions shall re-
17 ceive no salary or other compensation for their services
18 as such, but they shall receive their necessary traveling
19 and other expenses while actually engaged in the discharge
20 of their official duties.

Section 7. The Governor shall commission all persons
2 selected as members of any of the judicial nominating com-
3 missions herein created and the members of such com-
4 missions, upon receipt of their commission, shall subscribe
5 to an oath for the faithful performance of their duties and
6 file said oath in the office of the Secretary of State.

Section 8. Any vacancy occurring on any judicial
2 nominating commission herein created shall be filled in the
3 same manner as members thereof are selected in the crea-
4 tion of such commission.

Section 9. Each of said nominating commissions, or
2 parts thereof authorized to nominate candidates, shall
3 organize at its first meeting by electing one of its members
4 as Chairman and one of its members as Secretary to serve
5 in such capacity until its next regular meeting. The
6 Supreme Court of Missouri shall promulgate uniform rules
7 for the election, conduct and procedure of said commis-
8 sions not inconsistent with the other provisions of this
9 Constitution.

Section 10. Any vacancy occurring by death, resigna-
2 tion or otherwise in the office of a judge of any of the courts
3 named in Section 1 shall be filled by appointment by the
4 Governor and said appointee shall serve until the first
5 day of January following the next general election or until
6 his successor is duly elected and qualified.

Section 11. All expenses incurred in administering
2 the commissions herein created, when approved by the
3 Supreme Court of Missouri, shall be paid out of the state
4 treasury. The Supreme Court shall certify such expenses
5 to the State Auditor who shall draw his warrants therefor
6 payable out of funds not otherwise appropriated.

Section 12. The judges of all courts other than those
2 named in Section 1 shall be nominated and elected in such
3 manner as is now or may hereafter be provided by law.

Section 13. Any judge holding office, or elected or
2 appointed thereto, on any of the courts named in Section 1
3 at the time of the election by which the provisions of this
4 article become applicable to such office, shall, unless re-
5 moved for cause, remain in office for the term for which such

6 judge would have been entitled had the provisions of this
7 article not become applicable to the office of such judge.

Section 14. The method of selection and tenure of
2 office of the judges of the Circuit and Probate Courts of
3 the City of St. Louis and Jackson County shall be governed
4 by the existing provisions of the Constitutional Amendment
5 adopted November 5, 1940, for judicial selection until such
6 time at any general election the qualified voters within said
7 areas, by majority vote of those voting upon such ques-
8 tion, elect to have said judges above named selected in
9 the manner herein provided. The General Assembly shall
10 provide the manner in which such question shall be sub-
11 mitted to the voters of such areas.

Section 15. All of the provisions of Section 1 to 14
2 inclusive of this article shall be self-enforcing, except those
3 as to which action by the General Assembly may be re-
4 quired.

The foregoing Report is respectfully submitted,

RICHARD S. RIGHTER
Chairman
JAMES P. FINNEGAN
*ETHAN A. H. SHEPLEY
REX H. MOORE
DON C. McVAY
FRANK B. WILLIAMS
†O. C. TEE
JOHN J. ROBISON
‡GUY B. PARK
JAMES E. SATER
E. McDONALD STEVENS
WADE W. MAUPIN
CLAUDE ARNOLD

P. M. MARR
HOWARD C. POTTER
THOMAS C. HENNINGS, Sr.
ALROY S. PHILLIPS
MARSHALL E. FORD
JONES H. PARKER
OMER E. BROWN
GEORGE W. KIRK
RUBY W. BENECKE
CHAS. H. MAYER

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*Ethan A. H. Shepley signed with reservations respecting certain features of the magistrate courts.

†O. C. Tee signed with reservations.

‡Guy B. Park signed with reservations because the Supreme Court was not given the rule-making power.

J. Fred Koenig was absent.

√

ENGROSSED

FILE NO. 15

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE VI.

Reported from the Committee on Judicial Department.—No. 5, March 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 4, 21, 57, 73, 87, 90, 93, 94, 99, 116, Art. V of 142, 159, 175, 177, 180, 187, 219, 239, 248, 274, 275, 290, 292, 293, 295, 296, 308 as to (Non-Partisan Court Plan), 338, 341, 351, 352, 354, 355, 364, 366, 370, be adopted; Two Plans of Judicial Selection without recommendation.

Referred to the Committee on Phraseology, Arrangement and Engrossment June 8, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment June 28, 1944.

Read 2nd time August 23, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 15 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 23, 1944.

Engrossed File No. 15 reported from the Committee on Phraseology, Arrangement and Engrossment August 28, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE VI

JUDICIAL DEPARTMENT

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 15, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on August 23, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman.

ENGROSSED FILE NO. 15

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE VI

JUDICIAL DEPARTMENT

Present Constitution	Engrossed File	Origin
Constitution of 1875		
ARTICLE VI	ARTICLE VI	
JUDICIAL DEPARTMENT	JUDICIAL DEPARTMENT	
Section 1. Judicial power, where vested.—The judicial power of the State, as to matters of law and equity, except as in this Constitution otherwise provided, shall be vested in a Supreme Court, the St. Louis Court of Appeals, circuit courts, criminal courts, probate courts, county courts and municipal corporation courts.	Section 1. The judicial power of the state, except as otherwise provided in this Constitution, shall be vested in a supreme court, **courts** of appeals, circuit courts, probate courts, **the St. Louis courts of criminal correction, the existing courts of common pleas, magistrates courts,** and municipal corporation courts.	Section 1 of 1875. Sections 4 and 5 of Schedule of 1875, as to courts of common pleas.
Sec. 31. Criminal courts, where established.—The General Assembly shall have no power to establish criminal courts, except in counties having a population exceeding fifty thousand.		

Sec. 2. Supreme Court, jurisdiction of.—The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, under the restrictions and limitations in this Constitution provided.

Sec. 5. Judges, number of—quorum—duties—election.—The Supreme Court shall consist of five judges, any three of whom shall constitute a quorum; and said judges shall be conservators of the peace throughout the State, and shall be elected by the qualified voters thereof.

Sec. 9. Supreme Court, time and place of holding.—The Supreme Court shall be held at the seat of government at such times as may be prescribed by law; and until otherwise directed by law, the terms of said court shall commence on the third Tuesday in October and April of each year.

Sec. 10. Supreme Court, accommodations.—The State shall provide a suitable courtroom at the seat of government, in which the Supreme Court shall hold its sessions; also a clerk's office, furnished offices for the judges, and the use of the state library.

Section 2. The supreme court **shall be the highest court in the state.** Its jurisdiction shall be coextensive with the state. **Its decisions shall be controlling in all other courts.** It shall be composed of seven judges, who shall hold their sessions in **Jefferson City** at times **fixed by the court.**

Section 2 of 1875 for territorial jurisdiction.

Sections 5 and 6 of 1884 for controlling decisions.

Section 5 of 1875 and section 1 of 1890, for number of judges.

Sections 9 and 10 and 21 of 1875, for time and place of sessions.

See also section 7 of Schedule of 1875.

Sec. 21. Supreme Court at St. Louis and St. Joseph discontinued.—Upon the adoption of this Constitution, and after the close of the next regular terms of the Supreme Court at St. Louis and St. Joseph, as now established by law, the office of the clerk of the Supreme Court at St. Louis and St. Joseph shall be vacated, and said clerks shall transmit to the clerk of the Supreme Court at Jefferson City all the books, records, documents, transcripts and papers belonging to their respective offices, except those required by section nineteen of this article to be turned over to the St. Louis Court of Appeals; and said records, documents, transcripts and papers shall become part of the records, documents, transcripts and papers of said Supreme Court at Jefferson City, and said court shall hear and determine all the cases thus transferred as other cases.

Amendment of 1884.

Sec. 5. Supreme Court, exclusive appellate jurisdiction of.—In all causes or proceedings reviewable by the Supreme Court, writs of error shall run from the Supreme Court directly to the circuit courts and to courts having the jurisdiction pertaining to circuit courts, and in all such causes or proceedings, appeals

shall lie from such trial courts directly to the Supreme Court, and the Supreme Court shall have exclusive jurisdiction of such writs of error and appeals, and shall in all such cases exclusively exercise superintending control over such trial courts.

Sec. 6. Courts of Appeals cases may be certified to Supreme Court, when.—When any one of said courts of appeals shall in any cause or proceeding render a decision which any one of the judges therein sitting shall deem contrary to any previous decision of any one of said courts of appeals, or of the Supreme Court, the said Court of Appeals must, of its own motion, pending the same term and not afterward, certify and transfer said cause or proceeding and the original transcript therein to the Supreme Court, and thereupon the Supreme Court must rehear and determine said cause or proceeding, as in case of jurisdiction obtained by ordinary appellate process; and the last previous rulings of the Supreme Court on any question of law or equity shall, in all cases, be controlling authority in said courts of appeals.

Amendment of 1890.

Section 1. Number of judges—divisions of court—business divided—quorum.—The Supreme Court shall consist of seven judges, and, after the first Monday in January, 1891, shall be divided into two divisions, as follows: One division to consist of four judges of the court and to be known as division number one, the other to consist of the remaining judges and to be known as division number two. The divisions shall sit separately for the hearing and disposition of causes and matters pertaining thereto, and shall have concurrent jurisdiction of all matters and causes in the Supreme Court, except that division number two shall have exclusive cognizance of all criminal cases pending in said court: *Provided*, That a cause therein may be transferred to the court as provided in section four of this amendment. The division of business of which said divisions have concurrent jurisdiction shall be made as the Supreme Court may determine. A majority of the judges of a division shall constitute a quorum thereof, and all orders, judgments and decrees of either division, as to causes and matters pending before it, shall have the force and effect of those of the court.

Constitution of 1875.

Sec. 12. St. Louis Court of Appeals—jurisdiction—appeals to Supreme Court. There is hereby established in the city of St. Louis an appellate court, to be known as the "St. Louis Court of Appeals," the jurisdiction of which shall be co-extensive with the city of St. Louis and the counties of St. Louis, St. Charles, Lincoln and Warren. Said court shall have power to issue writs of *habeas corpus*, *quo warranto*, *mandamus*, *certiorari*, and other original remedial writs, and to hear and determine the same; and shall have a superintending control over all inferior courts of record in said counties. Appeals shall lie from the decisions of the St. Louis Court of Appeals to the Supreme Court, and writs of error may issue from the Supreme Court to said court in the following cases only: In all cases where the amount in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars; in cases involving the construction of the Constitution of the United States or of this State; in cases where the validity of a treaty or statute of or authority exercised under the United States is drawn in question; in cases involving the construction of the revenue laws of this State, or the title to any office under this

Section 3. The supreme court **shall have exclusive appellate jurisdiction** in all cases involving the construction of the Constitution of the United States or of this state, the validity of a treaty or statute of the United States, or any authority exercised under the laws of the United States, the construction of the revenue laws of this state, the title to any office under this state, the title to real estate, in all civil cases where the state or any county or other political subdivision of the state or any state officer as such is a party, in all cases of felony, **in other classes of cases provided by law,** and **until otherwise provided by law,** in all cases where the amount in dispute, exclusive of costs, **exceeds the sum of seventy-five hundred dollars.**

Section 12 of 1875.

Section 3 of 1884.

Section 2078 R. S. 1939, for pecuniary jurisdiction.

State; in cases involving title to real estate; in cases where a county or other political subdivision of the State or any State officer is a party, and in all cases of felony.

Amendment of 1884.

Sec. 3. Court of Appeals, one additional may be established—districts, terms and pecuniary jurisdiction may be changed—transfer of cases.—The General Assembly shall have power by law to create one additional court of appeals, with a new district therefor; to change the limits of the appellate districts, and the names of the courts of appeals, designating the districts by numbers or otherwise; to change the time of holding the terms of said courts; to increase or diminish the pecuniary limit of the jurisdiction of the courts of appeals; to provide for the transfer of cases from one court of appeals to another court of appeals; to provide for the transfer of cases from a court of appeals to the Supreme Court, and to provide for the hearing and determination of such cases by the courts to which they may be transferred.

Constitution of 1875.		
Sec. 3. Supreme Court, superintending control of—power to issue original writs.—The Supreme Court shall have a general superintending control over all inferior courts. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari* and other original remedial writs, and to hear and determine the same.	Section 4. The supreme court, courts of appeals, and circuit courts shall have a general superintending control over all inferior courts **and tribunals** in their jurisdictions, and may issue and determine **original remedial writs.**	Sections 3 and 23 of 1875. Section 12 of 1875 (opposite Engrossed Section 3).
Sec. 23.. Circuit court, superintending control of.—The circuit court shall exercise a superintending control over criminal courts, probate courts, county courts, municipal corporation courts, justices of the peace, and all inferior tribunals in each county in their respective circuits.		Section 8 of 1884.
Amendment of 1884.		
Sec. 8. Supreme Court, superintending control of.—The Supreme Court shall have superintending control over the courts of appeals by *mandamus*, prohibition and *certiorari*.		
	Section 5. The supreme court may establish rules of practice and procedure for all courts. The rules shall not change substantive rights, or the law	New.

relating to evidence, the oral examination of witnesses, juries, the right of trial by jury, or the right of appeal. The court shall publish the rules and fix the day on which they take effect, but no rule shall take effect before six months after its publication. Any rule may be annulled or amended by a law limited to the purpose.

Section 6. The supreme court may make temporary transfers of judicial personnel from one court to another as the administration of justice requires, and may establish rules with respect thereto.

New.

Section 7. The supreme court may sit in banc or in divisions, and courts of appeals may sit in divisions, as the courts may from time to time determine. Each division shall be composed of not less than three judges, at least one of whom shall be a regular judge of the court.

Section 1 of 1890 (opposite Engrossed Section 2).

Sections 2, 3 and 5 of 1890.

Amendment of 1890.

Sec. 2. Appointment and election of judges—term—divisions, who constituted—chief justice—presiding judges. Upon the adoption of this amendment, the Governor shall appoint two additional judges of the Supreme Court, who

shall hold their offices until the first Monday in January, 1893, and at the general election in the year 1892 their successors shall be elected, who shall hold their offices for the term of ten years, as other judges of the Supreme Court. The two judges appointed by the Governor, together with the judge elected at the general election in the year 1890, shall constitute division number two, and the remaining judges shall constitute division number one. The court shall elect its chief justice and each division a presiding judge thereof.

Sec. 3. Business divided, how—practice—opinions—original writs.—The Supreme Court shall assign to each division the causes and matters to be heard by it, of which assignment due public notice shall be given, and all laws relating to practice in the Supreme Court, as well as the rules of the Supreme Court, shall apply to each division so far as they may be applicable thereto. The opinion of each division shall be in writing, and shall be filed in the causes in which they shall be respectively made during the term at which the cause is submitted, and such opinions shall be a part of the records of the Supreme Court. Each division shall have authority to issue the original writs and exercise the powers

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enumerated in section three of article six of the Constitution.

Sec. 5. Court may dispense with divisions—may re-divide.—Whenever in the opinion of the Supreme Court the state of its docket with reference to the speedy disposition of the business of the court will justify dispensing with the divisions hereinbefore provided, the court shall dispense therewith, and the court shall thereafter hear and determine all causes pending in it: *Provided, however,* That the court shall have the power to again divide itself into two divisions, in like manner and with like power and effect as hereinbefore provided, whenever in the opinion of six judges thereof, entered of record, the condition of its docket with reference to the speedy disposition of the business of the court shall so require; and in such division the four judges oldest in commission shall constitute division number one, and the remaining judges division number two.

Constitution of 1875.

Sec. 4. Supreme judges, term of office—Chief Justice.—The judges of the Supreme Court shall hold office for the term of ten years. The judge oldest in commission shall be Chief Justice of the

Section 8. The supreme court shall **elect from their number** a chief justice **to preside over the court in banc,** and each court of appeals shall **elect from its number** a presiding judge to preside over

Section 4 of 1875.

Section 16 of 1875 (opposite Engrossed Section 23).

Court; and, if there be more than one commission of the same date, the court may select the Chief Justice from the judges holding the same.

the court. The terms of the chief justice and presiding judges shall be for **four years and until their successors are elected, and they shall perform any other duties prescribed by their respective courts.**

Section 4 of 1884 (opposite Engrossed Section 23).

Sec. 11. Judges divided in opinion.—If, in any cause pending in the Supreme Court, or the St. Louis Court of Appeals, the judges sitting shall be equally divided in opinion, no judgment shall be entered therein based on such division; but the parties to the cause may agree upon some person, learned in the law, to act as special judge in the cause, who shall therein sit with the court, and give decision in the same manner and with the same effect as one of the judges. If the parties cannot agree upon a special judge, the court shall appoint one.

Section 9. A cause in the supreme court shall be transferred to the court in banc **when the members of a division are equally divided in opinion,** or when the division shall so order, or on application of the losing party when a member of the division dissents from the opinion therein, or a federal question is involved, **or pursuant to supreme court rule.**

Section 11 of 1875.

Section 4 of 1890.

Amendment of 1890.

Sec. 4. Case transferred to court in banc, when.—When the judges of a division are equally divided in opinion in a cause, or when a judge of a division dissents from the opinion therein, or when a federal question is involved, the cause, on the application of the losing party, shall be transferred to the court for its de-

cision; or when a division in which a cause is pending shall so order, the cause shall be transferred to the court for its decision.

Section 10. Cases pending in any court of appeals shall be transferred to the supreme court when any member of the court of appeals **or any division thereof** dissents from the majority opinion and certifies that he deems said opinion to be contrary to any previous decision of the supreme court or of any of the courts of appeals, **and may, after opinion, be transferred to the supreme court by order of either the court of appeals or the supreme court because of the general interest or importance of a question involved in the case,** or **for the purpose of re-examining the existing law,** or **pursuant to supreme court rule.** The supreme court may finally determine all causes coming to it from any court of appeals, whether by certification, transfer **or certiorari,** the same as on original appeal.

Section 11 of 1875 (opposite Engrossed Section 9).

Section 6 of 1884 (opposite Engrossed Section 2).

Constitution of 1875.

Sec. 20. Court of Appeals, when cases are triable in.—All cases coming to said court by appeal, or writ of error, shall

Section 11. In all proceedings reviewable on appeal by the supreme court or a court of appeals, appeals shall go direct

Section 3 of 1884 (opposite Engrossed section 3).

be triable at the expiration of fifteen days from the filing of the transcript in the office of the clerk of said court.	to the court having jurisdiction thereof, **but want of jurisdiction shall not be ground for dismissal,** and the proceeding shall be transferred to the appellate court having jurisdiction thereof.	Section 20 of 1875. Section 2079 R. S. 1939.
Sec. 15. Opinions of court—rules of practice.—The opinions of said court shall be in writing, and shall be filed in the cases in which they shall be respectively made, and become parts of their record; and all laws relating to the practice in the Supreme Court shall apply to this court, so far as the same may be applicable.	Section 12. The opinions of the supreme court and courts of appeals **and all divisions of said courts** shall be in writing and filed in the respective causes, and shall become a part of the records of the court and be free for publication.	Sections 15, 43 and 44 of 1875.
Sec. 43. Supreme Court, what opinions to be published.—The Supreme Court of the State shall designate what opinions delivered by the Court, or the judges thereof, may be printed at the expense of the State; and the General Assembly shall make no provision for payment by the State for the publication of any case decided by said court not so designated.		
Sec. 44. Judicial decisions free for publication.—All judicial decisions in this State shall be free for publication by any person.		
Sec. 14. Judges, duties—quorum—terms of court.—The judges of said court	Section 13. The courts of appeals shall be composed of **three** judges each,	Section 12 of 1875 (opposite Engrossed Section 3).

shall be conservators of the peace throughout said counties. Any two of said judges shall constitute a quorum. There shall be two terms of said court to be held each year, on the first Monday of March and October, and the first term of said court shall be held on the first Monday in January, 1876.

Sec. 17. Court of appeals, judges—appointment of.—Upon the adoption of this Constitution the Governor shall appoint three judges for said court, who shall hold their offices until the first Monday of January, eighteen hundred and seventy-seven, and until their successors shall be duly qualified.

Sec. 19. Cases pending in Supreme Court at St. Louis.—All cases which may be pending in the Supreme Court at St. Louis at the time of the adoption of this Constitution, which by its terms would come within the final appellate jurisdiction of the St. Louis Court of Appeals, shall be certified and transferred to the St. Louis Court of Appeals, to be heard and determined by said court.

Amendment of 1884.

Section 1. St. Louis Court of Appeals, extended jurisdiction — judges. — The jurisdiction of the St. Louis Court of **and shall continue as now established,** with appellate jurisdiction coextensive with their districts, the boundaries of which **may be changed by law as public convenience may require.** They shall have jurisdiction of appeals as provided by law **from all inferior courts in their districts** except appeals within the exclusive jurisdiction of the supreme court. They shall hold sessions at places provided by law **and at times provided by their rules.**

Sections 14, 17, 19 and 27 of 1875.

(Section 27 opposite Engrossed section 15).

Sections 1, 2, 3, 7 and 9 of 1884.

(Section 3 opposite Engrossed Section 3).

Appeals is hereby extended so as to be co-extensive with the counties of Monroe, Shelby, Knox, Scotland, Clark, Lewis, Marion, Ralls, Pike, Lincoln, Warren, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard, Wayne, Bollinger, Madison, St. Francois, Washington, Franklin, Crawford, Iron, Reynolds, Carter, Butler, Ripley, Oregon, Shannon, Dent, Phelps, Pulaski, Texas, Howell, Ozark, Douglas, Wright, Laclede, Webster, Christian, Taney, Stone, Greene, Lawrence, Barry, Newton, and McDonald, as well as the city of St. Louis; and each judge thereof, when hereafter elected, shall be elected by the qualified voters of the counties and of the city under the jurisdiction of said court, and shall be a resident of the said territorial appellate district.

Sec. 2. Kansas City Court of Appeals, jurisdiction, terms, judges.—There is hereby established at Kansas City an appellate court, to be known as the Kansas City Court of Appeals, the jurisdiction of which shall be co-extensive with all the counties in the State except those embraced in the jurisdiction of the St. Louis Court of Appeals. There shall be held in each year two terms of said

Kansas City Court of Appeals, one on the first Monday of March and one on the first Monday of October. The Kansas City Court of Appeals shall consist of three judges, who shall be elected by the qualified voters of the counties under the jurisdiction of said court, and shall be residents of said territorial appellate district.

Sec. 7. Cases now pending in Supreme Court transferred to Kansas City Court of Appeals.—All cases which may be pending in the Supreme Court at the time of the adoption of this amendment, which have not been submitted, and which by its terms would come within the territorial appellate jurisdiction of the Kansas City Court of Appeals, shall be certified and transferred to such court, to be heard and determined by it.

Sec. 9. Kansas City Court of Appeals, courtroom and offices.—The State shall provide a suitable courtroom at Kansas City, in which the Kansas City Court of Appeals shall hold its sessions; also a clerk's office and furnished offices for the judges.

Constitution of 1875.

Sec. 22. Circuit court, jurisdiction and terms.—The circuit court shall have

Section 14. The circuit courts shall have jurisdiction over all criminal cases

Section 22 of 1875.

jurisdiction over all criminal cases not otherwise provided for by law; exclusive original jurisdiction in all civil cases not otherwise provided for; and such concurrent jurisdiction with and appellate jurisdiction from inferior tribunals and justices of the peace as is or may be provided by law. It shall hold its terms at such times and places in each county as may be by law directed; but at least two terms shall be held every year in each county.

not otherwise provided for by law, exclusive original jurisdiction in all civil cases not otherwise provided for, **and concurrent and appellate jurisdiction as provided by law.** Such courts **shall sit** at times and places in each county as prescribed by law.

Sec. 24. Judicial circuits—may be changed or abolished—one judge for each.—The State, except as otherwise provided in this Constitution, shall be divided into convenient circuits of contiguous counties, in each of which circuits one circuit judge shall be elected; and such circuits may be changed, enlarged, diminished or abolished, from time to time, as public convenience may require; and whenever a circuit shall be abolished, the office of the judge of such circuit shall cease.

Section 15. The state shall be divided into convenient circuits of contiguous counties. In each circuit **there shall be at least** one judge. The circuits may be changed or abolished by law as public convenience may require, **but no judge shall be removed thereby from office during his term.** Any circuit judge may sit in any other circuit at the request of a judge thereof. **In circuits composed of a single county and having more than one judge, the court may sit in general term or in divisions.**

Sections 24, 27, 28 and 29 of 1875.

Sec. 27. Circuit court of St. Louis county—jurisdiction of Court of Appeals.—The circuit court of St. Louis county shall be composed of five judges and such additional number as the General Assembly may from time to time

provide. Each of said judges shall sit separately for the trial of causes and the transaction of business in special term. The judges of said circuit court may sit in general term, for the purpose of making rules of court, and for the transaction of such other business as may be provided by law, at such time as they may determine, but shall have no power to review any order, decision or proceeding of the court in special term. The St. Louis Court of Appeals shall have exclusive jurisdiction of all appeals from and writs of error to the circuit courts of St. Charles, Lincoln and Warren counties, and the circuit court of St. Louis county, in special term, and all courts of record having criminal jurisdiction in said counties.

Sec. 28. Additional circuit judges, provision for.—In any circuit composed of a single county, the General Assembly may, from time to time, provide for one or more additional judges, as the business shall require; each of whom shall separately try cases and perform all other duties imposed upon circuit judges.

Sec. 29. Vacancy in office, disability another circuit judge may preside, etc. If there be a vacancy in the office of judge of any circuit, or if the judge be

sick, absent, or from any cause unable to hold any term or part of term of court, in any county in his circuit, such term or part of term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court or part of term in his circuit may be held by the judge of any other circuit, and in all such cases, or in any case where the judge cannot preside, the General Assembly shall make such additional provision for holding court as may be found necessary.

Sec. 34. Probate courts, jurisdiction and powers.—The General Assembly shall establish in every county a probate court, which shall be a court of record, and consist of one judge, who shall be elected. Said court shall have jurisdiction over all matters pertaining to probate business, to granting letters testamentary and of administration, the appointment of guardians and curators of minors and persons of unsound mind, settling the accounts of executors, administrators, curators and guardians; and the sale or leasing of lands by administrators, curators and guardians; and also jurisdiction over all matters relating to apprentices: *Provided*, That until the General Assembly shall provide by law for a uniform system of probate courts,

Section 16. **There shall be** a probate court in each county with jurisdiction of all matters pertaining to probate business, to granting letters testamentary and of administration, the appointment of guardians and curators of minors and persons of unsound mind, settling the accounts of executors, administrators, curators and guardians, and the sale or leasing of lands by executors, administrators, curators and guardians, and of such other matters as are provided in this Constitution.

Section 34 of 1875.

the jurisdiction of probate courts heretofore established shall remain as now provided by law.		
Sec. 35. Probate courts, jurisdiction, practice and clerks.—Probate courts shall be uniform in their organization, jurisdiction, duties and practice, except that a separate clerk may be provided for, or the judge may be required to act, *ex officio*, as his own clerk.	Section 17. Probate courts shall be courts of record and uniform in their organization, jurisdiction and practice, except that a separate clerk may be provided for, or the judge may be required to act ex officio as his own clerk.	Sections 34 and 35 of 1875.
Sec. 36. County courts.—In each county there shall be a county court, which shall be a court of record, and shall have jurisdiction to transact all county and such other business as may be prescribed by law. The court shall consist of one or more judges, not exceeding three, of whom the probate judge may be one, as may be provided by law.		See Phraseology Section 6 of File No. 11.
Sec. 37. Justices of the peace.—In each county there shall be appointed, or elected, as many justices of the peace as the public good may require, whose powers, duties and duration in office shall be regulated by law.	Section 18. **There shall be a magistrate court in each county. In counties of 30,000 inhabitants or less, the probate judge shall be judge of the magistrate court. In counties of more than 30,000 and not more than 70,000 inhabitants, there shall be one magistrate. In counties of more than 70,000 and less than 100,000 inhabitants there shall be two magistrates. In counties of 100,000 inhabitants or more there shall be two**	New Section.

magistrates, and one additional magistrate for each additional 100,000 inhabitants, or major fraction thereof. According to the needs of justice the foregoing number of magistrates in any county may be increased by not more than two, or such increased number may be decreased, by order of the circuit court on petition, and after hearing on not less than thirty days public notice. The salaries of magistrates shall be paid from the source or sources prescribed by law.

New Section.

Section 19. After each census of the United States the boards of election commissioners, or if none, the county courts, shall divide counties having more than one magistrate into districts of compact and contiguous territory, as nearly equal in population as may be, in each of which one magistrate shall be elected. Each of such magistrates shall have jurisdiction coextensive with the county, and the magistrates may organize into a court or courts with divisions.

New Section.

Section 20. Until otherwise provided by law consistent with this Constitution, the practice, procedure, administration and jurisdiction of magistrate courts, and appeals therefrom, shall be as now provided by law for justices of the

peace; and in counties of less than seventy thousand inhabitants magistrate courts shall have concurrent juvenile jurisdiction with the circuit court and the powers of the circuit judge in chambers when the circuit judge, is absent from the county.

Section 21. The general assembly shall provide for the administration of magistrate courts consistent with this Constitution.

New Section.

Section 22. All final decisions, findings, rules and orders of any administrative officer or body existing under the Constitution or by law, which are judicial or quasi-judicial and affect private rights, shall be subject to direct review by the courts as provided by law; and such review shall include the determination whether the same are authorized by law, and, in cases in which a hearing is required by law, whether the same are supported by competent and substantial evidence upon the whole record.

New Section.

Sec. 7. Terms of judges commence, when.—The full terms of the judges of the Supreme Court shall commence on the first day of January next ensuing their election, and those elected to fill any vacancy shall also enter upon the

Section 23. Judges of the supreme court and courts of appeals shall be selected for terms of twelve years, judges of the circuit courts for terms of six years, judges of the probate and magistrate courts and of the St. Louis

Sections 7, 8, 16 and 25 of 1875.

Section 4 of 1884.

discharge of their duties on the first day of January next ensuing such election. Those appointed shall enter upon the discharge of their duties as soon as qualified.

Sec. 8. Terms of present judges—election of successors.—The present judges of the Supreme Court shall remain in office until the expiration of their respective terms of office. To fill their places as their terms expire, one judge shall be elected at the general election in eighteen hundred and seventy-six, and one every two years thereafter.

Sec. 16. Election of judges—terms of office—presiding judge.—At the first general election held in said city and counties after the adoption of this Constitution, three judges of said court shall be elected, who shall determine by lot the duration of their several terms of office, which shall be respectively four, eight and twelve years, and certify the result to the Secretary of State; and every four years thereafter one judge of said court shall be elected to hold office for the term of twelve years. The term of office of such judges shall begin on the first Monday in January next ensuing their election. The judge having the oldest license to practice law in this State shall be the presiding judge of said court.

courts of criminal correction for terms of four years, and all other judges for terms provided by law.

Sec. 25. Circuit judges, terms and duties.—The judges of the circuit court shall be elected by the qualified voters of each circuit; shall hold their offices for the term of six years, and shall reside in and be conservators of the peace within their respective circuits.

Amendment of 1884.

Sec. 4. Kansas City Court of Appeals —first judges—constitutional provisions applicable to.—The first term of said Kansas City Court of Appeals shall be held on the first Monday of March in the year 1885, and the first judges thereof shall, upon the adoption of this amendment, be appointed by the Governor of said State for the term of four years each, beginning on the first day of January, 1885, and at the general election in the year 1888, the first election for the judges of said court shall be held, and the provisions of the Constitution of the State concerning the organization, the judges, the powers, the jurisdiction and proceedings of the St. Louis Court of Appeals, as herein amended, shall in all appropriate respects apply to the Kansas City Court of Appeals, and to such additional court of appeals as may be by law created.

Constitution of 1875.

Sec. 13. Judges of Court of Appeals, number, election, qualification and pay. The St. Louis Court of Appeals shall consist of three judges, to be elected by the qualified voters of the city of St. Louis, and the counties of St. Louis, St. Charles, Lincoln and Warren, who shall hold their offices for the period of twelve years. They shall be residents of the district composed of said counties, shall possess the same qualifications as judges of the Supreme Court, and each shall receive the same compensation as is now or may be provided by law for the judges of the circuit court of St. Louis county, and be paid from the same sources: *Provided*, That each of said counties shall pay its proportional part of the same, according to its taxable property.

Sec. 33. Judges, salaries not to be changed during term.—The judges of the Supreme, Appellate and Circuit Courts, and of all other courts of record receiving a salary, shall, at stated times, receive such compensation for their services as is or may be prescribed by law; but it shall not be increased or diminished during the period for which they were elected.

Section 24. All judges shall receive as salary **the total amount of their present compensation until otherwise provided by law,** but no judge's salary shall be diminished during his term of office. **Until the end of their present terms probate judges shall continue to receive compensation and clerk hire as now provided by law. The salaries of magistrates shall be fixed by law. No judge or magistrate shall receive any other or additional compensation for any public service, or practice law or do law business, except probate judges during their present terms. Judges may receive reasonable traveling and other expenses allowed by law. The fees of all courts, judges and magistrates shall be paid monthly into the state treasury or to the county paying their salaries.**

Sections 13 and 33 of 1875.

Section 10 of 1884.

Amendment of 1884.

Sec. 10. Judges of Courts of Appeals —salaries, how paid.—The judges of the Kansas City Court of Appeals, and of such additional court of appeals as may be created by law, shall each annually receive a salary of three thousand five hundred dollars per annum, which, together with the entire salaries of the judges of the St. Louis Court of Appeals, shall be paid out of the state treasury, as the salaries of the judges of the Supreme Court are now paid, unless otherwise provided by law.

Constitution of 1875.

Sec. 6. Judges, qualifications.—The judges of the Supreme Court shall be citizens of the United States, not less than thirty years old, and shall have been citizens of this State for five years next preceding their election or appointment, and shall be learned in the law.

Sec. 26. Circuit judges, qualifications. No person shall be eligible to the office of judge of the circuit court who shall not have attained the age of thirty years, been a citizen of the United States five years, a qualified voter of this State for three years, and who shall not be a

Section 25. Judges of the supreme court and courts of appeals shall have been citizens of the United States for **at least fifteen years,** and qualified voters of this state for nine years next preceding their selection. Such judges shall be at least thirty years of age **but shall not continue to hold office after attaining seventy five years of age.** Judges of the courts of appeals shall be residents of the district of their court. Circuit judges shall have been citizens of the United States for **at least ten years,** and qualified voters of this state three years next pre-

Section 6, 13, and 26 of 1875. (Section 13 opposite Engrossed Section 24.)

resident of the circuit in which he may be elected or appointed.

ceding their selection, and be not less than thirty years of age and residents of the circuit. Judges of probate and magistrate courts shall be qualified voters of this state, and residents of the county. **Probate judges shall be at least twenty five and magistrates at least twenty two years of age. Every judge and magistrate shall be licensed to practice law in this state, except that probate judges now in office may succeed themselves as probate judges without being so licensed, and except that persons who are now justices of the peace, or who have heretofore been justices of the peace in this state for at least four years, shall be eligible to the office of magistrate without being so licensed.**

Sec. 42. Provisions as to existing courts.—All courts now existing in this State, not named or provided for in this Constitution; shall continue until the expiration of the terms of office of the several judges; and as such terms expire, the business of said courts shall vest in the court having jurisdiction thereof in the counties where said courts now exist, and all the records and papers shall be transferred to the proper courts.

Section 26. All present judges shall hold their offices until their terms expire. All courts of common pleas now existing, the St. Louis courts of criminal correction, **and all circuit court circuits as now established,** shall continue until changed or abolished by law. **The justices of the peace shall continue to hold their offices and receive the emoluments thereof until their terms of office expire, upon which their records shall be transferred to the magistrate courts.**

Section 42 of 1875.

Section 5 of Schedule of 1875.

Sec. 18. Court of appeals, first clerk. The clerk of the Supreme Court at St. Louis shall be the clerk of the St. Louis Court of Appeals until the expiration of the term for which he was appointed clerk of the Supreme Court, and until his successor shall be duly qualified.	Section 27. Appellate and probate courts shall appoint their own clerks.	Sections 18, 35, 39, 40 of 1875. (Section 35 opposite engrossed Section 17.)
Sec. 39. Clerks of courts, appointive and elective.—The St. Louis Court of Appeals and Supreme Court shall appoint their own clerks. The clerks of all other courts of record shall be elective, for such terms and in such manner as may be directed by law: *Provided*, that the term of office of no existing clerk of any court of record, not abolished by this Constitution, shall be affected by such law.		
Sec. 40. Clerks, election of—ties and contests.—In case there be a tie or a contested election between candidates for clerk of any court of record, the same shall be determined in such manner as may be directed by law.		
Sec. 41. Judge, removal for inability. In case of the inability of any judge of a court of record to discharge the duties of his office with efficiency, by reason of continued sickness, or physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the	Section 28. Any judge of a court of record **or magistrate** who is unable to discharge the duties of his office with efficiency by reason of continued sickness or physical or mental infirmity **shall be retired from the office by order of a committee composed of three judges**	Section 41 of 1875.

members of each house concurring, with the approval of the Governor, to remove such judge from office; but each house shall state on its respective journal the cause for which it shall wish his removal, and give him notice thereof, and he shall have the right to be heard in his defense, in such manner as the General Assembly shall by law direct.

of the supreme court, one judge of each of the courts of appeals, and three circuit judges, elected by the judges of the respective courts, after notice and a fair hearing and on a finding of two-thirds of the committee that the disability is permanent. The judge so retired shall receive one-half his regular compensation until the end of his term of office. The supreme court shall prescribe rules of procedure under this section.

Section 29. In judicial circuits of more than one judge there shall be at least one juvenile and domestic relations division of the court, and in the selection of judges of the circuit one judge shall be selected for the division, in addition to his other duties.

New Section.

Sec. 30. Judges, election of—ties and contests.—The election of judges of all courts of record shall be held as is or may be provided by law, and in case of a tie or contested election between the candidates, the same shall be determined as prescribed by law.

See Engrossed Sections 30(a)-(g).

Sec. 32. Judges, vacancy, how filled. In case the office of judge of any court of record become vacant by death, resignation, removal, failure to qualify, or otherwise, such vacancy shall be filled in the manner provided by law.

See Engrossed Sections 30(a)-(g).

Amendment of 1940.

Section 1. Whenever a vacancy shall occur in the office of judge of any of the following courts of this State, to-wit: the Supreme Court, the Courts of Appeals, and the Circuit and Probate Courts within the City of St. Louis and Jackson County, the Governor shall fill such vacancy by appointing one of three persons, possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the Governor by a non-partisan judicial commission established and organized as hereinafter provided.

Section 1 of 1940.

Section 30(a). Whenever a vacancy shall occur in the office of judge of any of the following courts of this state, to-wit: the supreme court, the courts of appeals, the circuit and probate courts within the City of St. Louis and Jackson County, **and the St. Louis courts of criminal correction,** the governor shall fill such vacancy by appointing one of three persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a non-partisan judicial commission established and organized as hereinafter provided.

Section 2. At any general election, the qualified voters of any judicial circuit, outside of the City of St. Louis and Jackson County, may by a majority of those voting on such question elect to have the judges of the courts of record therein, other than judges of the county courts, appointed by the Governor in the manner provided herein for the appointment of judges to the courts designated in Section 1 of this amendment. The General Assembly may provide the manner in which such question shall be submitted to such voters.

Section 2 of 1940.

Section 30 (b). At any general election the qualified voters of any judicial circuit outside of the City of St. Louis and Jackson County, may by a majority of those voting on the question elect to have the judges of the courts of record therein appointed by the governor in the manner provided for the appointment of judges to the courts designated in Section 30(a) The general assembly may provide the manner in which the question shall be submitted to thevoters.

Section 3. Each judge appointed pursuant to the provisions of this amendment shall hold office for a term ending December 31st following the next general election after the expiration of twelve months in such office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of this amendment become applicable to this office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of this amendment not become applicable to his office. Not less than sixty (60) days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is subject to the provisions of this amendment may file in the office of the Secretary of State a declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such a declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote within the geographic jurisdictional limits of his court, or circuit if his office is that of Circuit Judge,

Section 30 (c). Each judge appointed pursuant to the provisions of sections 30 (a)-(g) shall hold office for a term ending December 31st following the next general election after the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of sections 30 (a)-(g) become applicable to this office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of sections 30 (a)-(g) not become applicable to his office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is subject to the provisions of sections 30 (a)-(g) may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such a declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote within the geographic jurisdictional limits of his court, or circuit if his office is that of circuit judge, on a separate judicial

Section 3 of 1940.

on a separate judicial ballot, without party designation, reading:

"Shall Judge.....
[*Here the name of the judge shall be inserted*]
of the.....
[*Here the title of the Court shall be inserted*]
Court be retained in office? Yes. No."
(Scratch One)

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in Section 1 of this amendment; otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December 31st following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

Whenever a declaration of candidacy for election to succeed himself is filed by any judge under the provisions of this section, the Secretary of State shall not less than thirty (30) days before the election certify the name of said judge and the official title of his office to the clerks of the county courts, and to the boards of election commissioners in counties or cities having such boards, or to such other officials as may hereafter be

ballot, without party designation, reading:

"Shall Judge.....
(Here the name of the judge shall be inserted)
of the.....
(Here the title of the Court shall be inserted]
Court be retained in office? Yes No."
(Scratch One)

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in Section 30 (a); otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December 31st following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

Whenever a declaration of candidacy for election to succeed himself is filed by any judge under the provisions of this section, the secretary of state shall not less than thirty days before the election certify the name of said judge and the official title of his office to the clerks of the county courts, and to the boards of election commissioners in counties or cities having such boards, or to such other officials as may hereafter be pro-

provided by law, of all counties and cities wherein the question of retention of such judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.

vided by law, of all counties and cities wherein the question of retention of such judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.

Section 4. Non-partisan judicial commissions whose duty it shall be to nominate and submit to the Governor names of persons for appointment as provided by this amendment are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the Supreme Court or of any Court of Appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of judge of any other court of record subject to the provisions of this amendment, there shall be one such commission, to be known as "The.....Circuit Judicial

Section 30 (d) Non-partisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 30 (a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of any court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of judge of any other court of record subject to the provisions of sections 30 (a)-(g), there shall be one such commission, to be known as "The.....

Section 4 of 1940.

Commission," for each judicial circuit which shall be subject to the provisions of this amendment; the Appellate Judicial Commission shall consist of seven members, one of whom shall be the Chief Justice of the Supreme Court, who shall act as Chairman, and the remaining six members shall be chosen in the following manner: The members of the Bar of this state residing in each Court of Appeals District shall elect one of their number to serve as a member of said commission, and the Governor shall appoint one citizen, not a member of the Bar, from among the residents of each Court of Appeals District, to serve as a member of said commission; each Circuit Judicial Commission shall consist of five members, one of whom shall be the Presiding Judge of the Court of Appeals of the District within which the judicial circuit of such commission or the major portion of the population of said circuit is situated, who shall act as Chairman, and the remaining four members shall be chosen in the following manner: The members of the Bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as members of said commission, and the Governor shall appoint two citizens, not members of the Bar, from among the

Circuit Judicial Commission," for each judicial circuit which shall be subject to the provisions of sections 30 (a)-(g); the appellate judicial commission shall consist of seven members, one of whom shall be the chief justice of the supreme court, who shall act as chairman, and the remaining six members shall be chosen in the following manner: The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a member of said commission, and the governor shall appoint one citizen, not a member of the bar, from among the residents of each court of appeals district, to serve as a member of said commission; each circuit judicial commission shall consist of five members, one of whom shall be the presiding judge of the court of appeals of the district within which the judicial circuit of such commission or the major portion of the population of said circuit is situated, who shall act as chairman, and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as members of said commission, and the governor shall appoint two citizens, not members of the bar, from among the

residents of said judicial circuit, to serve as members of said commission; the terms of office of the members of such commission shall be fixed by the Supreme Court of Missouri and may be changed from time to time, but not so as to shorten or lengthen the term of any member then in office. No member of any such commission other than the Chairman shall hold any public office, and no member shall hold any official position in a political party. Every such commission may act only by the concurrence of a majority of its members. The members of such commissions shall receive no salary or other compensation for their services as such, but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All such commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the Supreme Court of Missouri shall promulgate.	residents of said judicial circuit, to serve as members of said commission; the terms of office of the members of such commission shall be fixed by the supreme court and may be changed from time to time, but not so as to shorten or lengthen the term of any member then in office. No member of any such commission other than the chairman shall hold any public office, and no member shall hold any official position in a political party. Every such commission may act only by the concurrence of a majority of its members. The members of such commissions shall receive no salary or other compensation for their services as such, but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All such commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the supreme court shall promulgate.	
Section 5. All expenses incurred in administering this amendment, when approved by the Supreme Court of Missouri, shall be paid out of the state treasury. The Supreme Court shall certify such expenses to the State Au-	Section 30 (e) All expenses incurred in administering sections 30 (a)-(g), when approved by the supreme court, shall be paid out of the state treasury. The supreme court shall certify such expense to the state auditor, who shall	Section 5 of 1940.

ditor, who shall draw his warrants therefor payable out of funds not otherwise appropriated.	draw his warrant therefor payable out of funds not otherwise appropriated.	
Section 6. No judge of any court of record in the State of Missouri, appointed to or retained in office in the manner prescribed herein, shall directly or indirectly make any contribution to or hold any office in a political party or organization, or take part in any political campaign.	Section 30 (f) No judge of any court of record in this state, appointed to or retained in office in the manner prescribed in sections 30 (a)-(g), shall directly or indirectly make any contribution to or hold any office in a political party or organization, or take part in any political campaign.	Section 6 of 1940.
Section 7. All of the provisions of this amendment shall be self-enforcing except those as to which action by the General Assembly may be required. [Adopted November 5, 1940.]	Section 30 (g). All of the provisions of sections 30 (a)-(g) shall be self-enforcing except those as to which action by the general assembly may be required.	Section 7 of 1940.
Amendment of 1884.		
Sec. 11. Constitution, inconsistent provisions rescinded.—All provisions of the Constitution of this State, and all laws of this State which are inconsistent with this amendment, shall, so far as inconsistent, upon its adoption, be forever rescinded and of no effect.		Omitted.

Amendment of 1890.

Sec. 6. Repealing clause.—All provisions of the Constitution of the State, and all laws thereof not consistent with this amendment, shall, upon its adoption, be forever rescinded and of no effect.

Omitted.

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FILE NO. 16

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT OF COMMITTEE ON THE EXECUTIVE DEPARTMENT NO. 4.

Mr. President:

Your Committee on the Executive Department, Committee No. 4, to which was referred Article 5 of the Constitution of 1875 and Proposals Nos. 3, 20, 28, 37, 49, 80, 85, 103, 121, 122, 128, 140, Article IV of 142, 143, 166, 174, 188, 190, 197, 218, 223, 235, 237, 242, 243, 250, 253, 278, 294, Section 2 of 298, 320 and 371 and Resolution No. 61, begs leave to report that it has carefully considered said Article and all of said Proposals and Resolutions and presents herewith a Committee substitute and recommends its adoption.

All Proposals and Resolutions referred to the Committee, together with the Committee substitute, are herewith returned.

Respectfully submitted,

MARSHALL E. FORD,
Chairman.

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FILE NO. 16

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE V.

Reported from the Committee on Executive Department.—No. 4, March 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 3, 20, 28, 37, 49, 80, 85, 103, 121, 122, 128, 140, Art. IV of 142, 143, 166, 174, 188, 190, 197, 218, 223, 235. 237, 242, 243, 250, 253, 278, 294, Section 2 of 298, 320, 371, and Resolution No. 61 be adopted,

R. E. L. MARRS, Secretary.

COMMITTEE SUBSTITUTE FOR ARTICLE 5 OF THE CONSTITUTION OF 1875 AND ALL PROPOSALS AND RESOLUTIONS SUGGESTING CHANGES IN SAID ARTICLE.

Mr. President:

Your Committee on the Executive Department, Committee No. 4, to which was referred Article 5 of the Constitution of 1875, together with all Proposals and Resolutions suggesting changes in and amendments to said Article, having carefully considered same, submits for the consideration of the Convention a committee substitute for said Article and all Proposals and Resolutions pertaining thereto and recommends the adoption of said substitute, the said committee substitute being as follows:

ARTICLE V

EXECUTIVE DEPARTMENT

SECTION 1. The supreme executive power shall be
2 vested in a chief magistrate, who shall be styled "The
3 Governor of the State of Missouri."

(This Section is identical with Section 4 of Article 5 of the Constitution of 1875 and Section 1 of Article 5 of the Constitution of 1865 and Section 1 of Article 4 of the Constitution of 1820.)

SECTION 2. The Governor shall take care that the
2 laws are distributed and faithfully executed; and shall be
3 a conservator of the peace throughout the state.

(This Section is identical with Section 6 of Article 5 of the Constitution of 1875 and Section 8 of Article 4 of the Constitution of 1820 The same provision is found in Section 6 of Article 5 of the Constitution of 1865.)

SECTION 3. The Governor shall be at least thirty
2 years old and shall have been a citizen of the United States
3 for at least fifteen years and a resident of this state at least
4 ten years next before election.

(Section 5 of Article 5 of the Constitution of 1875 provided that the Governor should be "A male and shall have been a citizen of the United States ten years and a resident of this state seven years." It also provided he should be 35 years of age. No other change.)

SECTION 4. When any office shall become vacant,
2 the Governor, unless otherwise provided by law, shall ap-
3 point a person to fill such vacancy, who shall continue in
4 office until a successor shall have been duly elected or
5 appointed and qualified according to law.

(This Section is the same as Section 11 of Article 4 of the Constitution of 1875 and Section 8 of Article 5 of the Constitution of 1865 and the same in substance as Section 9 of Article 4 of the Constitution of 1820.)

SECTION 5. The Governor shall commission all officers not otherwise provided for by law. All commissions shall run in the name and by the authority of the State of Missouri, be signed by the Governor, sealed with the Great Seal of the State of Missouri, and attested by the Secretary of State.

(This Section is the same as Section 23 of Article 5 of the Constitution of 1875.)

SECTION 6. The Governor shall be the commander-in-chief of the militia of the state, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress actual and prevent threatened insurrection, and repel invasion.

(Section 7 Article 5 of the Constitution of 1875 provided that the Governor should command in person when so directed by resolution of the General Assembly. This clause is omitted. No other change.)

SECTION 7. The Governor shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. The power to pardon as used in this Section shall not include the power to parole.

(This Section is the same as Section 8 of Article 5 of the Constitution of 1875 except that a part of the old Section is omitted, the part requiring the Governor to report his acts to the legislature. Also, the provision relating to parole is added.)

SECTION 8. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, going into joint session, and of amending this Constitution, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: Provided, that no resolution shall have the effect to repeal, extend, alter or amend any law.

(This Section is the same as Section 14 of Article 5 of the Constitution of 1875 and in substance of Section 10 of the Constitution of 1865; and Section 11 of Article 4 of the Constitution of 1820.)

SECTION 9. The Governor shall at the commencement of each session of the General Assembly, and at the close of his term of office, and at such other times as he may deem necessary, give to the General Assembly information relative to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, wherein he shall state specifically each matter concerning which the action of that body is deemed necessary.

(See Sections 9 and 10 of Article 5 of the Constitution of 1875 and Section 7 of Article 5 of the Constitution of 1865 and Section 7 of Article 4 of the Constitution of 1820.)

SECTION 10. The Governor shall consider all bills and joint resolutions which, having been passed by both houses of the General Assembly, shall be presented to him. He shall, within fifteen days after the same shall have been presented to him, return to the house in which they re-

6 spectively originated, all such bills and joint resolutions,
7 with his approval endorsed thereon, or accompanied by
8 his objections; provided, that if the General Assembly
9 shall finally adjourn within fifteen days after such presenta-
10 tion, the Governor may, within forty-five days thereafter,
11 return such bills and resolutions to the office of the Secre-
12 tary of State, with his approval or reasons for disapproval.
13 If the Governor fails to return such bill with his approval
14 endorsed thereon within forty-five days it shall not become
15 a law.

(See Section 12 of Article 5 of the Constitution of 1875, Section 10 of Article 4 Constitution of 1820, Section 9 Article 5 Constitution of 1865.)

SECTION 11. The Governor shall, not later than
2 thirty days after the convening of the General Assembly
3 in each biennial session, submit a budget showing estimated
4 available revenues of the state for the ensuing biennium
5 and recommending a complete plan of expenditures. All
6 recommended expenditures and appropriations shall be
7 itemized together with an explanation of the basis of such
8 estimates and recommendations as to proposed legislation,
9 if any, which he may deem necessary to provide moneys
10 and revenues sufficient to meet such proposed expenditures.
11 If any bill presented to the Governor contain several items
12 of appropriation of money, he may object to one or more
13 items or portions of items while approving other portions
14 of the bill. In such case he shall append to the bill, at the
15 time of signing it, a statement of the items, or portions of
16 items, to which he objects, and the appropriations, or
17 portions thereof, objected to shall not take effect. If the
18 General Assembly be in session, he shall transmit to the
19 house in which the bill originated a copy of such statement,
20 and the items or portions thereof objected to shall be

separately reconsidered. If it be not in session, then he shall transmit the same within forty-five days to the office of the Secretary of State, with his approval or reasons for disapproval.

(See Section 13 Article 5 Constitution of 1875.)

SECTION 12. There shall be a Lieutenant-Governor who shall possess the same qualifications as the Governor and who, by virtue of his office, shall be President of the Senate. In committee of the whole he may debate all questions, and when there is an equal division he shall cast the deciding vote in the Senate, and also in joint vote of both houses.

(See Section 15 of the Constitution of 1875, Section 15 Article 4 Constitution of 1820 and Section 13 Article 5 Constitution of 1865.)

SECTION 13. If, at the time fixed for the beginning of the term of the Governor, the Governor elect shall have died then the Lieutenant-Governor elect shall become Governor. In case of the death, conviction or impeachment, failure to qualify, resignation, absence from the state or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant Governor. If there be no Lieutenant Governor, or the Lieutenant Governor shall, for any of the causes specified in this Section, become incapable of performing the duties of the office, the President Pro Tempore of the Senate shall act as Governor, or if there be no President Pro Tempore the Speaker of the House shall act until the vacancy is filled or the disability removed.

(See Section 16 Article 5 Constitution of 1875 and Section 14 Article 5 of the Constitution of 1865.)

SECTION 14. The Executive Department shall consist of all state elective and appointive officials and employees except the officials and employees of the Legislative and Judicial Departments. In addition to the Governor and Lieutenant Governor there shall be a State Auditor, Secretary of State, Attorney General, A Department of Finance, Department of Education, Department of Highways, Department of Conservation, Department of Agriculture and Department of Personnel and such additional departments, not exceeding seven in number, as may hereafter be established by law. All Boards, Bureaus and Commissions now exercising administrative or executive authority and all such that may be hereafter created by law shall, unless and until discontinued, be assigned to the appropriate department by the Governor. Each such agency shall be assigned to the department to which its powers and duties are germane.

(This is a new Section)

SECTION 15. The Auditor of the State of Missouri shall have the same qualifications as the Governor. He shall establish appropriate systems of accounting for all public officials of the State of Missouri and for such subdivisions of the state as may be prescribed by law, post-audit the accounts of all State agencies and audit the Treasury at least once annually. He shall conduct such other audits and investigations as may be determined by law, and shall make an annual report to the General Assembly and to the Governor. Provided, however, that no law shall be passed by the General Assembly authorizing or permitting the Auditor to assume any responsibilities or duties of any other kind than the supervising and auditing of the expenditure of public funds.

(This is a new Section)

SECTION 16. The Secretary of State shall be the
2 custodian of the seal of the State, and authenticate there-
3 with all official acts of the Governor, the approval of laws
4 excepted. The said seal shall be called the "Great Seal
5 of the State of Missouri," and the emblems and devices
6 thereof, heretofore prescribed by law, shall not be subject
7 to change. The Secretary of State shall keep a register
8 of the official acts of the Governor, and when necessary
9 shall attest them, and lay copies of the same, together with
10 copies of all papers relative thereto, before either house
11 of the General Assembly whenever required to do so.

(See Sections 20 and 21 Article 5 Constitution of 1875.)

SECTION 17. All rules and regulations of any Board,
2 Bureau, Commission or other administrative agency form-
3 ing a part of the Executive Department, except such rules
4 as relate to the organization and internal management of
5 such agencies, shall be filed in the office of the Secretary of
6 State. They shall not become effective until ten days
7 after such filing.

(This is a new Section)

SECTION 18. The Governor, Lieutenant-Governor
2 and State Auditor shall be elected by vote of the people
3 and for terms of four years each; provided that the first
4 Governor and Lieutenant Governor elected under the
5 provisions of this Constitution shall be chosen for terms
6 of two years, their successors to be chosen for terms of
7 four years. No Governor who has been elected for a full
8 term of four years shall be eligible as his own successor.
9 The Secretary of State, Attorney General and the heads of
10 all departments established by this Constitution or pro-
11 vided by law shall be appointed by the Governor, by and

with the advice and consent of the Senate, and may be removed by the Governor. They shall possess such qualifications as may be prescribed by this Constitution or by law.

(This is a new Section)

SECTION 19. The returns of every election for Governor, Lieutenant Governor and State Auditor shall be sealed up and transmitted by the returning officers to the Secretary of State who shall call to his assistance two disinterested judges of a Court of Record of the State who, with the Secretary of State, shall constitute a Board of State Canvassers and whose duty it shall be to meet at the State Capitol on the second Tuesday of December succeeding the election of State Officers and open and canvass the votes of such officers and proclaim the result. The result of the election shall be ascertained and declared from the face of the returns and without delay. The person having the highest number of votes for said respective offices shall be declared duly elected but if two or more persons shall have an equal and the highest number of votes for the same office the legislature at the next regular session convening thereafter by joint vote, without delay, shall choose one of said persons for said office.

(See Section 3 Article 5 Constitution of 1875.)

SECTION 20. The head of each department may select or remove not more than three principal assistants and each of the above may select and remove a private secretary. All other administrative employees shall be selected on the basis of merit ascertained as nearly as practicable by competitive examinations; provided that any honorably discharged member of the United States armed services, who is a citizen of this State and was at

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9 the time of entrance into the armed services, and whose
10 standing is substantially equal to others on the eligible
11 list, shall have preference in appointment.

(This is a new Section.)

SECTION 21. The administration of the Personnel
2 Department shall be under the control of a Bi-partisan
3 Board consisting of four members, two from each of the
4 major political parties, who shall be appointed by the
5 Governor, by and with the advice and consent of the
6 Senate, and shall be appointed for terms of four years
7 except that on the first board one member from each
8 major party shall be appointed for a term of four years
9 and one from each major party for a term of six years.
10 They shall be empowered to employ a director of personnel
11 and make regulations for the governing, selection, classifica-
12 tion, promotion, removal and retirement of all persons
13 selected under the merit system. The General Assembly
14 shall pass laws to make effective the administration of this
15 section and shall have power to extend the merit system to
16 include all other State employees and may authorize a
17 merit system service for municipalities and other sub-
18 divisions of the State.

(This is a new Section.)

SECTION 22. The Executive and Administrative
2 officials and Departments herein provided for shall establish
3 their principal offices and keep all necessary public records,

4 books and papers thereof at Jefferson City, the seat of
5 Government.

(See Section 1 Article 5 of the Constitution of 1875.)

Respectfully submitted,

MARSHALL E. FORD
STRATFORD LEE MORTON
*GUY B. PARK
*R. W. BENECKE
*WADE W. MAUPIN
*P. M. MARR
RICHARD S. RIGHTER
*C. P. DAMRON
ALLEN McREYNOLDS
*RICHARD R. NACY
*LEO T. DANIELS
*O. C. TEE
ETHAN A. H. SHEPLEY
*LEWIS E. MEADOR
*R. F. WOOD

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*Signed with reservations as follows:

Guy B. Park—Sections 20 and 21.

R. W. Benecke—Sections 20 and 21.

Wade W. Maupin—Sections 18, 20 and 21; minority report on Section 18.

P. M. Marr–Sections 18, 20 and 21; minority report on Section 18.

Richard R. Nacy—Sections 18, 20 and 21; minority report on Section 18.

C. P. Damron—Section 3.

Leo T. Daniels—Sections 18, 20 and 21; minority report on Section 18.

Lewis E. Meador—Section 11.

R. F. Wood—Section 11.

O. C. Tee—Sections 17, 18, 19, 20 and 21; minority report on Section 18 and an additional minority report.

MINORITY REPORT NO. 1.

The undersigned, a minority of the Committee on Executive Department No. 4, hereby respectfully submit to the Convention a minority report as follows:

We object to Section 18 of the majority report which provides for the election of only the Governor, Lieutenant-Governor and State Auditor. We believe that the Attorney General should also be elected by vote of the people, and are opposed to the Attorney General's appointment by the Governor as provided by said majority report.

We therefore recommend the adoption of the following substitute for Section 18 of the majority report:

SECTION 18. The Governor, Lieutenant-Governor,
2 Attorney General and State Auditor shall be elected by
3 vote of the people and for terms of four years each; pro-
4 vided that the first Governor and Lieutenant Governor
5 elected under the provisions of this Constitution shall be
6 chosen for terms of two years, their successors to be chosen
7 for terms of four years. No Governor who has been elected
8 for a full term of four years shall be eligible as his own suc-
9 cessor. The Secretary of State and the heads of all de-
10 partments established by this Constitution or provided
11 by law shall be appointed by the Governor, by and with

the advice and consent of the Senate, and may be removed by the Governor. They shall possess such qualifications as may be prescribed by this Constitution or by law.

Respectfully submitted,

P. M. MARR
WADE W. MAUPIN
O. C. TEE
RICHARD R. NACY
LEO T. DANIELS
E. A. DUENSING

MINORITY REPORT NO. 2

The undersigned, cannot agree to the majority report of the committee herein and submit herewith a minority report and request that the same be accepted by the convention in lieu of the majority report.

ARTICLE V

EXECUTIVE DEPARTMENT

SECTION 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and Superintendent of Public Schools and their appointees, all of whom, except the Lieutenant Governor, shall reside at the seat of government during their term of office and keep the public records, books and papers there and shall perform such duties as may be prescribed by law.

(Section 1 is identical with Section 1 of Article V of the Constitution of 1875.)

SECTION 2. The Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney

General, and Superintendent of Public Schools shall be elected by a vote of the people for terms of four years each, provided that the first governor and lieutenant governor elected under the provisions of this constitution shall be chosen for terms of two years; their successors to be chosen for terms of four years. No governor who has been elected for a full term of four years shall be eligible as his own successor. They shall possess such qualifications as may be prescribed by this constitution or by law.

(This section copied from parts of Section 2 of the Constitution of 1875 and Section 19 of the Majority Report.)

SECTION 3. The returns of every election for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendant of Public Schools shall be sealed up and transmitted by the returning officers to the Secretary of State, who shall call to his assistance two disinterested judges of a court of record of this state, who with the Secretary of State, shall constitute a board of state canvassers and whose duty it shall be to meet at the State Capitol on the second Tuesday of December succeeding the election of state officers and publicly open and canvass the votes of such officers and proclaim the result. The result of the election shall be ascertained and declared from the face of the returns and without delay. The person having the highest number of votes for said respective offices shall be declared duly elected, but if two or more persons shall have an equal and the highest number of votes for the same office, the legislature at the next regular session convening thereafter by joint vote, without delay, shall chose one of said persons for said office.

(This section same as Section 20 of the Majority Report except it provides for the election of officers of the Executive Department.)

SECTION 4. The supreme executive power shall be
2 vested in a chief magistrate, who shall be styled "The
3 Governor of the State of Missouri."

(This Section is identical with Section 4 of the Constitution of 1875 and Section 1 of Article 5 of the Constitution of 1865 and Section 1 of Article 4 of the Constitution of 1820.

SECTION 5. The Governor shall take care that the
2 laws are distributed and faithfully executed; and shall be
3 a conservator of the peace throughout the state.

(This Section is identical with Section 6 of Article 5 of the Constitution of 1875 and Section 8 of Article 4 of the Constitution of 1820. The same provision is found in Section 6 of Article 5 of the Constitution of 1865.)

SECTION 6. The Governor shall be at least thirty
2 years old and shall have been a citizen of the United States
3 for at least fifteen years and a resident of this state at least
4 ten years next before election.

(Section 5 of Article 5 of the Constitution of 1875 provided that the Governor should be "A male and shall have been a citizen of the United States ten years and a resident of this state seven years." No other change.)

SECTION 7. When any office shall become vacant,
2 the Governor, unless otherwise provided by law, shall
3 appoint a person to fill such vacancy, who shall continue

4 in office until a successor shall have been duly elected or
5 appointed and qualified according to law.

(This Section is the same as Section 11 of Article 4 of the Constitution of 1875 and Section 8 of Article 5 of the Constitution of 1865 and the same in substance as Section 9 of Article 4 of the Constitution of 1820.)

SECTION 8. The Governor shall commission all
2 officers not otherwise provided for by law. All commissions
3 shall run in the name and by the authority of the State of
4 Missouri, be signed by the Governor, sealed with the Great
5 Seal of the State of Missouri, and attested by the Secre-
6 tary of State.

(This Section is the same as Section 23 of Article 5 of the Constitution of 1875.)

SECTION 9. The Governor shall be the commander-
2 in-chief of the militia of the state, except when they shall
3 be called into the service of the United States, and may call
4 out the same to execute the laws, suppress actual and pre-
5 vent threatened insurrection, and repel invasion.

(Section 7 Article 5 of the Constitution of 1875 provided that the Governor should command in person when so directed by resolution of the General Assembly. This clause is omitted. No other change.)

SECTION 10. The Governor shall have the power
2 to grant reprieves, commutations and pardons, after con-
3 viction, for all offenses except treason and cases of impeach-
4 ment, upon such conditions and with such restrictions and
5 limitations as he may think proper, subject to such regula-

tions as may be provided by law relative to the manner of applying for pardons. The power to pardon as used in this Section shall not include the power to parole.

(This Section is the same as Section 8 of Article 5 of the Constitution of 1875 except that a part of the old Section is omitted, the part requiring the Governor to report his acts to the legislature. Also, the provision relating to parole is added.)

SECTION 11. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, going into joint session, and of amending this Constitution, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: Provided, that no resolution shall have the effect to repeal, extend, alter or amend any law.

(This Section is the same as Section 14 of Article 5 of the Constitution of 1875 and in substance of Section 10 of the Constitution of 1865; and Section 11 of Article 4 of the Constitution of 1820.)

SECTION 12. The Governor shall at the commencement of each session of the General Assembly, and at the close of his term of office, and at such other times as he may deem necessary, give to the General Assembly information relative to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extra-ordinary occasions he may convene the General Assembly by proclamation, wherein he shall state specifically each matter concerning which the action of that body is deemed necessary.

(See Section 9 and 10 of Article 5 of the Constitution of 1875 and Section 7 of Article 5 of the Constitution of 1865 and Section 7 of Article 4 of the Constitution of 1820.)

SECTION 13. The Governor shall consider all bills
2 and joint resolutions which, having been passed by both
3 houses of the General Assembly, shall be presented to him.
4 He shall, within fifteen days after the same shall have been
5 presented to him, return to the house in which they respec-
6 tively originated, all such bills and joint resolutions, with his
7 approval endorsed thereon, or accompanied by his objections;
8 provided, that if the General Assembly shall finally adjourn
9 within fifteen days after such presentation, the Governor
10 may, within forty-five days thereafter, return such bills
11 and resolutions to the office of the Secretary of State, with
12 his approval or reasons for disapproval. If the Governor
13 fails to return such bill with his approval endorsed thereon
14 within forty-five days it shall not become a law.

(See Section 12 of Article 5 of the Constitution of 1875, Section 10 of Article 4 Constitution of 1820, Section 9 Article 5 Constitution of 1865.)

SECTION 14. The Governor shall, not later than
2 thirty days after the convening of the General Assembly
3 in each biennial session, submit a budget showing estimated
4 available revenues of the state for the ensuing biennium
5 and recommending a complete plan of expenditures. All
6 recommended expenditures and appropriations shall be
7 itemized together with an explanation of the basis of such
8 estimates and recomnendations as to proposed legislation,
9 if any, which he may deem necessary to provide moneys
10 and revenues sufficient to meet such proposed expenditures.
11 If any bill presented to the Governor contains several items

12 of appropriation of money, he may object to one or more
13 items or portions of items while approving other portions
14 of the bill. In such case he shall append to the bill, at the
15 time of signing it, a statement of the items, or portions of
16 items, to which he objects, and the appropriations, or
17 portions thereof, objected to shall not take effect. If the
18 General Assembly be in session, he shall transmit to the
19 house in which the bill originated a copy of such statement,
20 and the items or portions thereof objected to shall be
21 separately reconsidered. If it be not in session, then he
22 shall transmit the same within forty-five days to the office
23 of the Secretary of State, with his approval or reasons for
24 disapproval.

(See Section 13 Article 5 Constitution of 1875.)

SECTION 15. If, at the time fixed for the beginning
2 of the term of the Governor, the Governor elect shall have
3 died then the Lieutenant Governor elect shall become
4 Governor. In case of the death, conviction or impeach-
5 ment, failure to qualify, resignation, absence from the state
6 or other disability of the Governor, the powers, duties and
7 emoluments of the office for the residue of the term, or
8 until the disability shall be removed, shall devolve upon the
9 Lieutenant Governor. If there be no Lieutenant Governor,
10 or the Lieutenant Governor shall, for any of the causes
11 specified in this section, become incapable of performing
12 the duties of the office, the President Pro Tempore of the
13 Senate shall act as Governor, or if there be no President
14 Pro Tempore the Speaker of the House shall act until the
15 vacancy is filled or the disability removed.

(See Section 16 Article 5 Constitution of 1875 and Section 14 Article 5 of the Constitution of 1865.)

SECTION 16. The Auditor of the State of Missouri
2 shall have the same qualifications as the Governor. He
3 shall establish appropriate systems of accounting for all
4 public officials of the State of Missouri and for such sub-
5 divisions of the state as may be prescribed by law, post-
6 audit the general accounts of all State agencies and audit
7 the Treasury at least once annually. He shall conduct
8 such other audits and investigations as may be determined
9 by law, and shall make an annual report to the General
10 Assembly and to the Governor. Provided, however, that
11 no law shall be passed by the General Assembly authorizing
12 or permitting the Auditor to assume any responsibilities
13 or duties of any other kind than the supervising and audit-
14 ing of the expenditure of public funds.

(This is a new Section)

SECTION 17. The Secretary of State shall be the
2 custodian of the seal of the State, and authenticate there-
3 with all official acts of the Governor, the approval of laws
4 excepted. The said seal shall be called the "Great Seal
5 of the State of Missouri," and the emblems and devices
6 thereof, heretofore prescribed by law, shall not be subject
7 to change. The Secretary of State shall keep a register
8 of the official acts of the Governor, and when necessary
9 shall attest them, and lay copies of the same, together
10 with copies of all papers relative thereto, before either
11 house of the General Assembly whenever required to do so.

(See Sections 20 and 21 Article 5 Constitution of 1875.)

SECTION 18. All rules and regulations of any Board,
2 Bureau, Commission or other administrative agency form-
3 ing a part of the Executive Department, except such rules
4 as relate to the organization and internal management of

5 such agencies, shall be filed in the office of the Secretary of
6 State. They shall not become effective until ten days
7 after such filing. All such rules and regulations shall be
8 subject to judicial review.

(Same as Section 18 of the Majority Report except rules and regulations of commissions and bureaus made subject to judicial review.)

SECTION 19. The Governor may at any time require
2 information in writing under oath from the officers of the
3 Executive Department and from all officers and managers
4 of state institutions upon any subject relating to the con-
5 dition, management or expenses of their respective offices
6 and institutions. Any officer or manager who at any time
7 shall make a false report to the Governor shall be guilty
8 of perjury and punished accordingly.

(This section contains parts of Section 22 of the Constitution of 1875.)

SECTION 20. The officers named in this article
2 shall receive for their services a salary to be established
3 by law.

(This Section copied from parts of Section 24 of the Constitution of 1875.)

GEORGE F. HEEGE
O. C. TEE

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FILE NO. 16

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE V

Reported from the Committee on Executive Department.—No. 4, March 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 3, 20 28, 37, 49, 80, 85, 103, 121, 122, 128, 140, Art. IV of 142, 143, 166, 174, 188, 190, 197, 218, 223, 235, 237, 242, 243, 250, 253, 278, 294, Section 2 of 298, 320, 371, and Resolution No. 61 be adopted.

Re-referred to the Committee on the Executive Department.—No. 4, June 14, 1944.

Returned from the Committee on the Executive Department.—No. 4, June 15, 1944.

Minority Report No. 2 withdrawn, June 27, 1944.

Taken up July 19, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment July 19, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment August 9, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE V

EXECUTIVE DEPARTMENT

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 16 respectfully reports that it has examined the report of Committee No. 4 on the Executive Department, and all amendments thereto, and it herewith reports said file as adopted by the Convention on July 19, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

FILE NO. 16

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE V

EXECUTIVE DEPARTMENT

As Adopted by the Convention

ARTICLE V

EXECUTIVE DEPARTMENT

Section 1. The supreme executive power shall be vested in a CHIEF MAGISTRATE, WHO SHALL BE STYLED "THE Governor OF THE STATE OF MISSOURI".

Section 2. The Governor shall take care that the laws are distributed and faithfully executed; and shall be a conservator of the peace throughout the state.

As Suggested by the Committee

ARTICLE V

EXECUTIVE DEPARTMENT

Section 1. The supreme executive power shall be vested in a governor.

(Changes. Omission of capitalization and bold faced words.)

Section 2. The governor shall take care that the laws are distributed and faithfully executed, and shall be a conservator of the peace throughout the state.

(Changes. No changes except in capitalization and punctuation.)

Section 3. The Governor shall be at least thirty years old and shall have been a citizen of the United States for at least fifteen years and a resident of this state at least ten years next before election.

Section 4. WHEN any office SHALL BECOME VACANT, the Governor, UNLESS otherwise provided by law, shall APPOINT A PERSON TO fill such vacancy, WHO SHALL CONTINUE IN OFFICE until a successor SHALL HAVE BEEN duly elected or appointed and qualified ACCORDING TO LAW.

Section 5. The Governor shall commission all officers not otherwise provided for by law. All commissions shall RUN in the name AND BY THE AUTHORITY of the State OF MISSOURI, be signed by the Governor, sealed with the Great Seal of the State OF MISSOURI, and attested by the Secretary of State.

Section 6. The Governor shall be the commander-in-chief of the militia of the state, except

Section 3. The governor shall be at least thirty years old and shall have been a citizen of the United States for at least fifteen years and a resident of this state at least ten years next before election.

(Changes. No changes except in capitalization.)

Section 4. The governor shall fill all vacancies in public offices unless otherwise provided by law, and his appointees shall serve until their successors are duly elected or appointed and qualified.

(Changes. Section rewritten with omission of capitalization and bold faced words.)

Section 5. The governor shall commission all officers unless otherwise provided by law. All commissions shall be issued in the name of the state, signed by the governor, sealed with the Great Seal of the state and attested by the secretary of state.

(Changes. Omission of capitalization and bold faced words.
Substitution of "be issued" for "run").

Section 6. The governor shall be the commander-in-chief of the militia, except when it is

when THEY SHALL BE called into the service of the United States, and may call out the SAME to execute the laws, suppress actual and prevent threatened insurrection, and repel invasion.

called into the service of the United States, and may call out the militia to execute the laws, suppress actual and prevent threatened insurrection, and repel invasion.

(Changes. Omission of capitalization and bold faced words.

Substitution of "it is" for "they shall be", and of "militia" for "same".)

Section 7. The Governor shall have THE power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may THINK proper, subject to SUCH REGULATIONS AS MAY BE PROVIDED BY law RELATIVE to the manner of applying for pardons. The power to pardon AS USED IN THIS SECTION shall not include the power to parole.

Section 7. The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to provisions of law as to the manner of applying for pardons. The power to pardon shall not include the power to parole.

(Changes. Omission of capitalization and bold faced words.

Substitution of "deem" for "think", of "provisions of" for "such regulations as may be provided by", and of "as" for "relative".)

Section 8. Every resolution to which the concurrence of the Senate and House of Representatives

Section 8. Every resolution to which the concurrence of the senate and house of representatives

may be necessary, except on questions of adjournment, going into joint session, and of amending this Constitution, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: Provided, that no resolution shall have the effect to repeal, extend, ALTER or amend any law.

may be necessary, except on questions of adjournment, going into joint session, and of amending this Constitution, shall be presented to the governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: Provided, that no resolution shall have the effect to repeal, extend, or amend any law.

(Changes. Omission of capitalization and bold faced word.)

Section 9. The Governor shall at the commencement of each session of the General Assembly, AND at the close of his term of office, and at such other times as he may deem necessary, give to the General Assembly information RELATIVE TO the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, wherein he shall state specifically each matter concerning which the action OF THAT BODY is deemed necessary.

Section 9. The governor shall, at the commencement of each session of the general assembly, at the close of his term of office, and at such other times as he may deem necessary, give to the general assembly information as to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the general assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary.

(Changes. Omission of capitalization and bold faced words.

Substitution of "as" for "relative to", "on" for "concerning", and of "action" for "the action of that body".)

Section 10. The Governor shall consider all bills and joint resolutions WHICH, HAVING BEEN passed by both houses of the General Assembly, shall be presented to him. He shall, within fifteen days after the same shall have been presented to him, return to the HOUSE IN WHICH THEY RESPECTIVELY ORIGINATED, all such bills and joint resolutions, with his approval endorsed thereon, or accompanied by his objections; PROVIDED, THAT if the General Assembly shall finally adjourn within fifteen days AFTER SUCH PRESENTATION, the Governor may, within forty-five days thereafter, return such bills and resolutions to the office of the Secretary of State, with his approval or reasons for disapproval.

(Changes. This section transferred to File No. 17).

Section 11. The Governor shall, not later than thirty days after the convening of the General Assembly in each biennial session, submit a budget

(Changes. This section transferred to phraseology sections 3 and 5 of File No. 14.)

showing estimated available revenues of the state for the ensuing biennium and recommending a complete plan of expenditures. All recommended expenditures and appropriations shall be itemized together with an explanation of the basis of such estimates and recommendations as to proposed legislation, if any, which he may deem necessary to provide moneys and revenues sufficient to meet such proposed expenditures. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items or portions of items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items, or portions of items, to which he objects, and the appropriations, or portions thereof, objected to shall not take effect. If the General Assembly be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items or portions thereof objected to shall be separately reconsidered. If it be not in session, then he shall transmit the same within forty-five days to the office of the Secretary of State, with his approval or reasons for disapproval. PROVIDED, HOWEVER, nothing herein contained shall be construed as author-

izing the Governor to reduce any appropriation for free public school purposes, nor for the payment of principal and interest on the public debt.

Section 12. There shall be a Lieutenant-Governor who shall POSSESS the same qualifications as the Governor and WHO, BY VIRTUE OF HIS OFFICE, shall be President of the Senate. In committee of the whole he may debate all questions, and WHEN THERE IS an equal division he shall cast the deciding vote in the Senate, and ALSO IN joint vote of both houses.

Section 10. There shall be a lieutenant governor who shall have the same qualifications as the governor and shall be ex officio president of the senate. In committee of the whole he may debate all questions, and shall cast the deciding vote on equal division in the senate and on joint vote of both houses.

(Changes. Omission of capitalization and bold faced words.

Substitution of "ex officio" for "by virtue of his office" and of "have" for "possess.")

Section 13. IF, AT THE TIME FIXED FOR THE BEGINNING OF THE TERM OF THE Governor, the Governor elect SHALL HAVE died THEN the Lieutenant-Governor elect shall BECOME Governor. IN CASE OF the death, conviction or impeachment, failure to qualify, resignation, absence from the state or other disability of the Governor, the powers, duties and emoluments of the office for the RESIDUE of the term, or until the

Section 11. If the governor elect die before taking office the lieutenant governor shall take the term of the governor elect. On the death, conviction or impeachment, failure to qualify, resignation, absence from the state or other disability of the governor, the powers, duties and emoluments of the governor shall devolve upon the lieutenant governor for the remainder of the term or until the disability is removed. If there be no lieutenant governor, or

disability shall be removed, shall devolve upon the Lieutenant-Governor. If there be no Lieutenant-Governor, or the Lieutenant-Governor SHALL, for any of the causes SPECIFIED IN THIS SECTION, become incapable of performing the duties of the office, the President Pro Tempore of the Senate shall act as Governor, OR IF THERE BE NO PRESIDENT PRO TEMPORE the Speaker of the House shall act until the vacancy is filled or the disability removed.

for any of said causes the lieutenant governor is incapable of acting, the president pro tempore of the senate and the speaker of the house in succession shall act as governor until the vacancy is filled or the disability removed.

(Changes. Section rewritten with omission of capitalization and bold faced words.

Substitution of "before taking office" for "at the time fixed for the beginning of the term", of "on" for "if" and "in case of", of "take the term" for "become", of "said causes" for "any of the causes specified in this Section", and of "remainder" for "residue".

Insertion of "in succession".)

Section 14. The Executive Department shall consist of all state elective and appointive officials and employees except the officials and employees of the Legislative and Judicial Departments. In addition to the Governor and Lieutenant Governor there shall be a State Auditor, Secretary of State, Attorney General, a State Treasurer and a Department of Revenue, Department of Education, Department of Highways, Department of Conservation, Depart-

Section 12. The executive department shall consist of all state elective and appointive officials and employees except the officials and employees of the legislative and judicial departments. In addition to the governor and lieutenant governor there shall be a state auditor, secretary of state, attorney general, a state treasurer and a department of revenue, department of education, department of highways, department of conservation, department

ment of Agriculture and such additional departments, not exceeding five in number, as may hereafter be established by law. All Boards, Bureaus and Commissions NOW exercising administrative or executive authority AND ALL SUCH THAT MAY BE HEREAFTER CREATED BY LAW SHALL, unless AND UNTIL discontinued, be assigned to the APPROPRIATE DEPARTMENT by the Governor. EACH SUCH AGENCY SHALL BE ASSIGNED to the department to which its powers and duties are germane.

of agriculture and such additional departments, not exceeding five in number, as may hereafter be established by law. Unless discontinued all present or future boards, bureaus, commissions and other agencies of the state exercising administrative or executive authority shall be assigned by the governor to the department to which their respective powers and duties are germane.

(Changes. Omission of capitalization and bold faced words.

Substitutions: "which may be" for "as may hereafter be". "present or future" for "now***and all such that may be hereafter created by law".

Insertions: "and their appointive officials and employees". "and other agencies of the state". "respective".

Note: See File No. 14, Section 1.)

Section 15. The Auditor OF THE STATE OF MISSOURI shall have the same qualifications as the Governor. He shall establish appropriate systems of accounting for all public officials of the State of Missouri, post-audit the accounts of all state agen-

Section 13. The state auditor shall have the same qualifications as the governor. He shall establish appropriate systems of accounting for all public officials of the state, post-audit the accounts of all state agencies and audit the treasury at least once

cies and audit the treasury at least once annually. He shall conduct such other audits and investigations as may be determined by law, and shall make an annual report to the General Assembly and TO THE Governor. THE AUDITOR shall establish appropriate systems of accounting for the LEGAL subdivisions of the state, supervise their budgeting systems, and audit their accounts as MAY BE provided by law. PROVIDED, HOWEVER, THAT NO LAW SHALL BE PASSED BY THE GENERAL ASSEMBLY AUTHORIZING OR PERMITTING THE AUDITOR TO ASSUME ANY RESPONSIBILITIES OR DUTIES OF ANY OTHER KIND THAN the supervising and auditing of the receipts and expenditures of public funds.

annually. He shall make all other audits and investigations required by law, and shall make an annual report to the governor and general assembly. He shall establish appropriate systems of accounting for the political subdivisions of the state, supervise their budgeting systems, and audit their accounts as provided by law. No duty shall be imposed on him by law which is not related to the supervising and auditing of the receipt and expenditure of public funds.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"make" for "conduct".
"all" for "such".
"He" for "The Auditor".
"political" for "legal".
"No duty shall be imposed on him by law which is not related to" for "Provided, however, that no law shall be passed by the General Assembly," etc.
Transposition of "Governor".

(Note. See File No. 14, Section 7.)

Section 16. The Secretary of State shall be THE custodian of the seal of the State, and authenticate therewith all official acts of the Governor, the approval of laws EXCEPTED. The SAID seal shall be called the "Great Seal of the State of Missouri", and THE Emblems and devices THEREOF, HERETOFORE PRESCRIBED BY LAW, shall not be subject to change. THE SECRETARY OF STATE shall keep a register of the official acts of the Governor, AND when necessary SHALL attest them, and lay copies OF THE SAME, TOGETHER WITH COPIES of all papers relative thereto, before either house of the General Assembly whenever required TO DO SO. He shall be THE custodian of such records and documents and perform such duties in relation thereto AS MAY BE PROVIDED BY LAW; and SHALL ALSO PERFORM SUCH DUTIES RELATING to elections and corporations as may be provided by law. PROVIDED, HOWEVER, THAT THE GENERAL ASSEMBLY SHALL NOT AUTHORIZE OR PERMIT THE SECRETARY OF STATE TO PERFORM ANY DUTIES not related to his duties prescribed in this Constitution.

Section 14. The secretary of state shall be custodian of the seal of the state, and authenticate therewith all official acts of the governor except the approval of laws. The seal shall be called the "Great Seal of the State of Missouri", and its present emblems and devices shall not be subject to change. He shall keep a register of the official acts of the governor, attest them when necessary, and when required shall lay copies thereof, and of all papers relative thereto, before either house of the general assembly. He shall be custodian of such records and documents and perform such duties in relation thereto, and in relation to elections and corporations, as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this Constitution.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"except the approval of laws" for "the approval of laws excepted".

"present" for "heretofore prescribed by law".

"He" for "The Secretary of State".

"lay copies thereof, and of" for "lay copies of the same, together with copies". "when" for whenever".

"but no duty shall be imposed on him by law which is" for "Provided, however, that the General Assembly shall not authorize or permit the Secretary of State to perform any duties".

Transposition of "when required".)

Section 16a. The State Treasurer shall HAVE CUSTODY of all state funds and SHALL immediately upon the receipt THEREOF deposit THE SAME to the credit of the State for the benefit of the funds to which they RESPECTIVELY belong in SUCH BANKS, TRUST COMPANIES OR OTHER banking institutions AS HE MAY FROM TIME TO TIME, WITH THE APPROVAL OF the Governor and the State Auditor, SELECT; and shall, FROM TIME TO TIME, MAKE SUCH DISBURSEMENT OF THE SAME as SHALL BE provided by law. PROVIDED, HOWEVER, THAT NO LAW SHALL BE PASSED BY THE GENERAL ASSEMBLY AUTHORIZING OR PERMITTING THE STATE TREASURER TO AS-

Section 15. The state treasurer shall be custodian of all state funds. All revenue collected and moneys received by the state from any source whatsoever shall go promptly into the state treasury, and all interest, income and returns therefrom shall belong to the state. Immediately on receipt thereof the state treasurer shall deposit all moneys in the state treasury to the credit of the state in banking institutions selected by him and approved by the governor and state auditor, and he shall hold them for the benefit of the respective funds to which they belong and disburse them as provided by law. Such institutions shall give security satisfactory to the governor, state auditor and state treasurer for the safekeeping and payment of the deposits on demand

SUME DUTIES not related to the receipt, custody and disbursement of state funds.

of the state treasurer authorized by warrants of the state auditor. No duty shall be imposed on the state treasurer by law which is not related to the receipt, custody and disbursement of state funds.

(Note: Transferred in part from section 7 of File No. 14.)

(Changes in Section 16 (a). Omission of capitalization and bold faced words.

Substitutions: "be custodian" for "have custody". "them" for "the same". "respective" for "respectively". "selected by him and approved by the governor and state auditor" for "as he may from time to time, with the approval of the Governor and the State Auditor, select". "disburse them" for "make such disbursement of the same". "No duty shall be imposed on the state treasurer by law which is" for "Provided, however, that no law shall be passed by the General Assembly authorizing or permitting the State Treasurer to assume duties".

Insertion of "hold them" and transposition of "for the benefit of the respective funds to which they belong". Change of section number from 16a to 15.

Changes in Section 7 of File No. 14. Section rewritten with omission of capitalization and bold faced words.

Insertion of "state" before "treasury", "auditor" and "treasurer".

Transposition of "and all interest, income, etc.,", "all moneys in the state treasury", "Immediately on receipt thereof", and "for the benefit of the respective funds to which they belong".

Substitutions: "the state treasurer shall deposit" for "be deposited by the Treasurer". "respective" for "respectively". "selected by him and approved by the governor and state auditor" for "as he may, from time to time, with the approval of the Governor and the State Auditor, select".

"such institutions" for "Such banks, trust companies or other banking institutions".

"on demand of" for "when demanded by". "authorized by warrants of" for "upon warrants drawn by".

"and countersigned by the Treasurer" omitted to conform to section 8 as amended.)

(Note: See section 43 of File No. 17.)

Section 17. All rules and regulations of any Board, BUREAU, COMMISSION or other administrative agency FORMING A PART of the Executive Department, except SUCH RULES AS RELATE TO THE organization and internal management OF SUCH AGENCIES, shall be filed in the office of the Secretary of State. THEY shall NOT BECOME effective UNTIL ten days after such filing.

Section 16. All rules and regulations of any board or other administrative agency of the executive department, except those relating to its organization and internal management, shall take effect not less than ten days after the filing thereof in the office of the secretary of state.

(Changes. Section rewritten with omission of capitalization and bold faced words. Substitution of "those relating to" for "such rules as relate to", and of "take effect" for "become effective".

Insertion of "its" and of "not less than".

Change of section number from 17 to 16.)

Section 18. The Governor, Lieutenant-Governor, Secretary of State, State Treasurer and Attorney General shall be elected At the ELECTION FOR THE PRESIDENT OF THE UNITED STATES BY VOTE OF THE PEOPLE AND for terms of four years each. THE STATE AUDITOR SHALL BE ELECTED FOR A TERM OF FOUR YEARS, PROVIDED THAT the first State Auditor ELECTED UNDER THE PROVISIONS OF THIS CONSTITUTION shall be CHOSEN for a term of two years, his SUCCESSOR to be CHOSEN

Section 17. The governor, lieutenant governor, secretary of state, state treasurer and attorney general shall be elected at the presidential elections for terms of four years each. The first state auditor shall be elected for a term of two years at the general election next after the adoption of this Constitution, and his successor shall be elected for terms of four years. The governor and state treasurer shall not be eligible for election as their own successors. The heads of all the executive departments shall be appointed by the governor, by and with the advice

for four years. The Governor and State Treasurer shall be ineligible for RE-election as their own successors. The heads of all departments PROVIDED FOR BY THIS CONSTITUTION OR ESTABLISHED BY LAW shall be appointed by the Governor by and with the advice and consent of the Senate, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION, AND appointive officers may be removed by the Governor. THEY shall possess such qualifications as may be prescribed by this Constitution or by law.

Section 19. The returns of every election for Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General and State Auditor shall be sealed up and transmitted by the returning officers to the Secretary of State who shall CALL

and consent of the senate. All appointive officers may be removed by the governor and shall possess the qualifications required by this Constitution or by law.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"presidential elections" for "election for President of the United States".
"election" for "re-election".
"elected" for "chosen"
"not be eligible" for "be ineligible".

Insertions:

"at the general election next after the adoption of this Constitution".
"the executive" before "departments".
Change of section number from 18 to 17.)

Section 18. The returns of every election for governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general shall be sealed and transmitted by the returning officers to the secretary of state, who shall appoint two

TO HIS ASSISTANCE two disinterested judges of a Court of Record of the State WHO, WITH THE SECRETARY OF STATE, shall constitute a Board of State Canvassers AND WHOSE DUTY IT SHALL BE to meet at the State Capitol on the second Tuesday of December SUCCEEDING the election OF STATE OFFICERS and open and canvass the VOTES OF SUCH OFFICERS and proclaim THE RESULT. THE result of the election shall be ascertained AND DECLARED from the face of the returns and WITHOUT DELAY. The person having the highest number of votes for SAID respective offices shall be declared DULY elected BUT if two or more persons shall have an equal and the highest number of votes for the same office the LEGISLATURE at THE next regular session CONVENING THEREAFTER by joint vote, without delay, shall choose one of said persons for SAID office.

disinterested judges of a court of record of the state, and the three shall constitute a board of state canvassers. The board shall meet at the State Capitol on the second Tuesday of December next after the election and forthwith open and canvass the returns of the votes cast and from the face thereof ascertain and proclaim the result of the election. The persons having the highest number of votes for the respective offices shall be declared elected, and if two or more persons have an equal and the highest number of votes for the same office, at its next regular session the general assembly, by joint vote and without delay, shall choose one of such persons for the office.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"appoint" for "call to his assistance".
"and the three" for "who, with the Secretary of State".
"The board shall" for "and whose duty it shall be to".
"next after" for "succeeding".
"forthwith" for "without delay".

"returns of the votes cast" for "votes of such officers".
"persons" for "person".
"the" for "said", and "and" for "but".
"general assembly" for "legislature".
Change of section number from 19 to 18).

Section 20. The head of each department may select OR remove ANY AND all appointees in such department, the manner of whose appointment is not otherwise provided for in this Constitution, or by law. All employees in the state eleemosynary, penal AND REFORMATORY institutions, and other state employees as MAY BE REQUIRED by law, shall be selected on the basis of merit, ascertained as nearly as practicable by competitive examinations; provided that any honorably discharged member of the armed services of the United States, who is a citizen of this state, and was at the time of his entrance into said armed services, shall have preference in examination and appointment, and THE LEGISLATURE SHALL PRESCRIBE THE CONDITION UPON WHICH SUCH PREFERENCE MAY BE GIVEN.

Section 19. The head of each department may select and remove all appointees in the department except as otherwise provided in this Constitution, or by law. All employees in the state eleemosynary and penal institutions, and other state employees as provided by law, shall be selected on the basis of merit, ascertained as nearly as practicable by competitive examinations; provided that any honorably discharged member of the armed services of the United States who is a citizen of this state and was such on entering the service, shall have preference in examination and appointment as prescribed by law.

(Changes. Omission of bold faced words.

Substitutions:
"and" for "or", and "the" for "such".
"as provided by law" for "as may be required by law".

"was such on entering the service" for "was at the time of his entrance into said armed services."

"as prescribed by law" for "and the Legislature shall prescribe the condition upon which such preference may be given".

Change of section number from 20 to 19).

Section 22. The Executive and Administrative officials and Departments herein provided for shall establish their principal offices and keep all necessary public records, books and papers thereof at Jefferson City, THE SEAT OF GOVERNMENT.

Section 20. The executive and administrative officials and departments herein provided for shall establish their principal offices and keep all necessary public records, books and papers at the City of Jefferson.

(Changes. Omission of capitalization and bold faced words.

Substitution of "City of Jefferson" for "Jefferson City".)

Section 23. The officers named in this article shall receive for their services A SALARY TO BE ESTABLISHED by law, which shall not be increased or diminished during their OFFICIAL terms; and they shall not, after the expiration of the terms of those in office AT THE ADOPTION OF THIS CONSTITUTION, receive to their own use

Section 21. The officers named in this article shall receive for their services salaries fixed by law, which shall not be increased or diminished during their terms. After the expiration of the terms of those now in office the officers named shall not receive to their own use any fees, costs, perquisites of office or other compensation, and all fees provided

any fees, costs, perquisites of office, or other compensation. All fees THAT MAY HEREAFTER BE PAYABLE BY LAW for any service performed by ANY OFFICER PROVIDED FOR IN THIS ARTICLE shall be paid in advance into the state treasury.

by law for any service performed by them shall be paid in advance into the state treasury.

(Changes. Omission of bold faced words.

Substitutions:

"salaries fixed by law" for "a salary established by law".

"now" for "at the adoption of this Constitution".

"the officers named" for "they".

"provided by law" for "that may hereafter be payable by law".)

(Note: For other similar provisions

See File No. 7, section 6.
File No. 11, section 14.
File No. 12, section 12a.
File No. 15, section 24.)

ALROY S. PHILLIPS
MEREDITH GARTEN
JAMES E. SATER
HOWARD C. POTTER
THOS. C. HENNINGS, SR.
FRANK B. WILLIAMS
RICHARD S. RIGHTER
ALLEN McREYNOLDS

√

ENGROSSED

FILE NO. 16

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE V.

Reported from the Committee on Executive Department.—No. 4, March 10, 1944, with recommendation that the Committee Substitute for Proposals Nos. 3, 20, 28, 37, 49, 80, 85, 103, 121, 122, 128, 140, Art. IV of 142, 143, 166, 174, 188, 190, 197, 218, 223, 235, 237, 242, 243, 250, 253, 278, 294, Section 2 of 298, 320, 371, and Resolution No. 61 be adopted.

Re-referred to the Committee on the Executive Department.—No. 4, June 14, 1944.

Returned from the Committee on the Executive Department No. 4, June 15, 1944.

Minority Report No. 2 withdrawn, June 27, 1944.

Taken up July 19, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment July 19, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment August 9, 1944.

Read 2nd time August 23, 1944. Report of the Committee on Phraseology, Arrangement and Engrossment adopted, as corrected. Rules suspended, File No. 16 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 23, 1944.

Engrossed File No. 16 reported from the Committee on Phraseology, Arrangement and Engrossment September 5, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE V

EXECUTIVE DEPARTMENT

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 16, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on August 23, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS
Chairman

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ENGROSSED FILE NO. 16

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE V

EXECUTIVE DEPARTMENT

Present Constitution	Engrossed File	Origin
ARTICLE V EXECUTIVE DEPARTMENT	ARTICLE V EXECUTIVE DEPARTMENT	
Sec. 4. The supreme executive power. The supreme executive power shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Missouri."	Section 1. The supreme executive power shall be vested in a governor.	Section 4.
Sec. 6. Governor's duties.—The Governor shall take care that the laws are distributed and faithfully executed; and he shall be a conservator of the peace throughout the State.	Section 2. The governor shall take care that the laws are distributed and faithfully executed, and shall be a conservator of the peace throughout the state.	Section 6.
Sec. 5. Governor, qualifications.—The Governor shall be at least thirty-five years old, a male, and shall have been a	Section 3. The governor shall be at least thirty years old and shall have been a citizen of the United States **for at least**	Section 5.

citizen of the United States ten years, and a resident of this State seven years next before his election.

fifteen years and a resident of this state **at least ten years** next before election.

Sec. 11. Vacancies in office—Governor may fill.—When any office shall become vacant, the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected or appointed and qualified according to law.

Section 4. The governor **shall fill all vacancies in public offices** unless otherwise provided by law, and **his appointees shall serve until their** successors **are** duly elected or appointed and qualified.

Section 11.

Sec. 23. Governor shall commission officers.—The Governor shall commission all officers not otherwise provided for by law. All commissions shall run in the name and by the authority of the State of Missouri, be signed by the Governor, sealed with the Great Seal of the State of Missouri, and attested by the Secretary of State.

Section 5. The governor shall commission all officers **unless** otherwise provided by law. All commissions shall **be issued** in the name of the state, signed by the governor, sealed with the Great Seal of the state and attested by the secretary of state.

Section 23.

Sec. 7. Governor, commander - in - chief of militia.—The Governor shall be commander-in-chief of the militia of this State, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion; but he need not command in person unless directed so to do by a resolution of the General Assembly.

Section 6. The governor shall be the commander-in-chief of the militia, except **when it is** called into the service of the United States, and may call out the **militia** to execute the laws, suppress **actual and prevent threatened** insurrection, and repel invasion.

Section 7.

Sec. 8. Governor, grant pardons, report to General Assembly.—The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such condition and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon or reprieve, and the reason for granting the same.	Section 7. The governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may **deem** proper, subject to **provisions of** law as to the manner of applying for pardons. **The power to pardon shall not include the power to parole.**	Section 8.
Sec. 14. Concurrent resolutions must be presented to Governor—exceptions—proceedings.—Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this Constitution, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: *Provided*, That no resolution shall have	Section 8. Every resolution to which the concurrence of the senate and house of representatives may be necessary, except on questions of adjournment, going into joint session, and of amending this Constitution, shall be presented to the governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: Provided, that no resolution shall have the effect to repeal, extend, or amend any law.	Section 14.

the effect to repeal, extend, alter or amend any law.

Sec. 9. Governor shall give information to General Assembly, may call extra sessions.—The Governor shall, from time to time, give to the General Assembly information relative to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, wherein he shall state specifically each matter concerning which the action of that body is deemed necessary.

Sec. 10. Governor's message—to account for moneys—furnish estimate of expenses.—The Governor shall, at the commencement of each session of the General Assembly, and at the close of his term of office, give information by message of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, in such manner as may be prescribed by law, for all moneys received and paid out by him from any funds subject to his order, with vouchers; and at the commencement of each regular session, present estimates of

Section 9. The governor shall, at the commencement of each session of the general assembly, at the close of his term of office, and at such other times as he may deem necessary, give to the general assembly information **as to** the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the general assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary.

Sections 9 and 10.

the amount of money required to be raised by taxation for all purposes.

Sec. 15. Lieutenant-Governor, qualifications and duties.—The Lieutenant-Governor shall possess the same qualifications as the Governor, and by virtue of his office shall be President of the Senate. In committee of the whole he may debate all questions, and when there is an equal division he shall give the casting vote in the Senate, and also in joint vote of both houses.

Section 10. **There shall be a lieutenant governor who** shall **have** the same qualifications as the governor and shall be **ex officio** president of the senate. In committee of the whole he may debate all questions, and shall **cast** the deciding vote **on equal** division in the senate and on joint vote of both houses.

Section 15.

Sec. 16. Lieutenant-Governor to act as Governor, when.—In case of death, conviction or impeachment, failure to qualify, resignation, absence from the State or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant-Governor.

Sec. 17. President pro tempore of Senate—other persons to act as Governor, when.—The Senate shall choose a president *pro tempore* to preside in cases of the absence or impeachment of the Lieutenant-Governor, or when he shall hold the office of Governor. If there be no Lieutenant-Governor, or the Lieutenant-Governor shall, for any of the

Section 11. **If the governor elect die before taking office the lieutenant governor shall take the term of the governor elect. On** the death, conviction or impeachment, **failure to qualify,** resignation, absence from the state or other disability of the governor, the powers, duties and emoluments of the governor shall devolve upon the lieutenant governor for the **remainder** of the term or until the disability is removed. If there be no lieutenant governor, or for any of **said** causes the lieutenant governor is incapable of acting, the president **pro tempore** of the senate and the speaker of the house **in succession** shall act as governor until the vacancy is filled or the disability removed.

Sections 16 and 17.

causes specified in section sixteen of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives, in the same manner and with the same powers and compensation as are prescribed in the case of the office devolving upon the Lieutenant-Governor.

Sec. 18. Pay of Lieutenant-Governor and President pro tempore.—The Lieutenant-Governor or the President *pro tempore* of the Senate, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

Omitted. (See Laws of 1943, page 869).

Section 1. Executive officers, residence and duties of.—The executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General and Superintendent of Public Schools, all of whom, except the Lieutenant-Governor, shall reside at the seat of government during their term of office,

Section 12. The executive department shall consist of **all state elective and appointive officials and employees except the officials and employees of the legislative and judicial departments. In addition to** the governor and lieutenant governor **there shall be** a state auditor, secretary of state, attorney general, a state treasurer **and a department of**

Section 1.

and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

revenue, department of education, department of highways, department of conservation, department of agriculture and such additional departments, not exceeding five in number, as may hereafter be established by law. Unless discontinued all present or future boards, bureaus, commissions and other agencies of the state exercising administrative or executive authority shall be assigned by the governor to the department to which their respective powers and duties are germane.

Sec. 19. Qualifications of other executive officers.—No person shall be eligible to the office of Secretary of State, State Auditor, State Treasurer, Attorney-General, or Superintendent of Public Schools, unless he be a male citizen of the United States and at least twenty-five years old, and shall have resided in this State at least five years next before his election.

Section 13. The state auditor shall have the same qualifications as the governor. He shall establish appropriate systems of accounting for all public officials of the state, post-audit the accounts of all state agencies and audit the treasury at least once annually. He shall make all other audits and investigations required by law, and shall make an annual report to the governor and general assembly. He shall establish appropriate systems of accounting for the political subdivisions of the state, supervise their budgeting systems, and audit their accounts as provided by law. No duty shall be imposed on him by law which is not related to the supervising and auditing of the receipt and expenditure of public funds.

Section 19.

Sec. 20. Seal of the State.—The Secretary of State shall be the custodian of the seal of the State, and authenticate therewith all official acts of the Governor, his approval of laws excepted. The said seal shall be called the "Great Seal of the State of Missouri," and the emblems and devices thereof, heretofore prescribed by law, shall not be subject to change.	Section 14. The secretary of state shall be custodian of the seal of the state, and authenticate therewith all official acts of the governor except the approval of laws. The seal shall be called the "Great Seal of the State of Missouri", and **its present** emblems and devices shall not be subject to change.	Sections 20 and 21.
Sec. 21. Secretary of State, duties of. The Secretary of State shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of the same, together with copies of all papers relative thereto, before either house of the General Assembly whenever required to do so.	He shall keep a register of the official acts of the governor, attest them when necessary, and **when** required shall lay copies thereof, and of all papers relative thereto, before either house of the general assembly. **He shall be custodian of such records and documents and perform such duties in relation thereto, and in relation to elections and corporations, as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this Constitution.**	

ARTICLE X

Sec. 15. Deposit of State funds by treasurer—how disbursed.—All moneys now, or at any time hereafter, in the State treasury, belonging to the State, shall, immediately on receipt thereof, be deposited by the Treasurer to the credit of the State for the benefit of the funds to which they respectively belong,	Section 15. **The state treasurer shall be custodian of all state funds.** All revenue collected and moneys received by the state from any source whatsoever shall go promptly into the state treasury, and **all interest, income and returns therefrom** shall belong to the state. Immediately on receipt thereof the state	Sections 15, 16 and 17 of Article X. See also section 43 of Article IV (opposite engrossed section 36 of File No. 17.)

in such bank or banks as he may, from time to time, with the approval of the Governor and Attorney General, select, the said bank or banks giving security, satisfactory to the Governor and Attorney General for the safekeeping and payment of such deposit, when demanded by the State Treasurer on his check—such bank to pay a bonus for the use of such deposits not less than the bonus paid by other banks for similar deposits; and the same, together with such interest and profits as may accrue thereon, shall be disbursed by said Treasurer for the purposes of the State, according to law, upon warrants drawn by the State Auditor, and not otherwise.

Sec. 16. Treasurer's account—quarterly statements.—The Treasurer shall keep a separate account of the funds, and the number and amount of warrants received, and from whom; and shall publish, in such manner as the Governor may designate, quarterly statements, showing the amount of State moneys and where the same are kept or deposited.

Sec. 17. Officer not to speculate in public funds—felony.—The making of profit out of State, county, city, town or school district money, or using the same for any purpose not authorized by treasurer shall deposit all moneys in the state treasury to the credit of the state **in banking institutions** selected by him and approved by the governor and state auditor, **and he shall hold them for the benefit of the respective funds to which they belong and disburse them as provided by law.** Such institutions shall give security satisfactory to the governor, state auditor and state treasurer for the safekeeping and payment of the deposits on demand of the state treasurer **authorized by warrants of the state auditor. No duty shall be imposed on the state treasurer by law which is not related to the receipt, custody and disbursement of state funds.**

law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Section 16. **All rules and regulations of any board or other administrative agency of the executive department, except those relating to its organization and internal management, shall take effect not less than ten days after the filing thereof in the office of the secretary of state.**

New Section.

ARTICLE V.

Sec. 2. Terms of office—Governor and Treasurer ineligible to re-election—times of holding elections.—The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Schools shall be four years from the second Monday of January next after their election, and until their successors are elected and qualified; and the Governor and State Treasurer shall be ineligible to re-election as their own successors. At the general election to be held in the year one thousand eight hundred and seventy-six, and every four years thereafter, all of such officers, except the Superintendent of Public Schools, shall be elected, and the

Section 17. The governor, lieutenant governor, secretary of state, state treasurer and attorney general shall be elected at the presidential elections for terms of four years each. **The state auditor shall be elected for a term of two years at the general election in the year 1948, and his successors shall be elected for terms of four years.** The governor and state treasurer shall **not be eligible** for election as their own successors. **The heads of all the executive departments shall be appointed by the governor, by and with the advice and consent of the senate. All appointive officers may be removed by the governor and shall possess the qualifications required by this Constitution or by law.**

Section 2 of Article V.

Superintendent of Public Schools shall be elected at the general election in the year one thousand eight hundred and seventy-eight, and every four years thereafter.

Sec. 3. Returns of election—tie, how determined.—The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the House of Representatives, who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each House of the General Assembly, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more shall have an equal and the highest number of votes, the General Assembly shall, by joint vote, choose one of such persons for said office.

Section 18. The returns of every election for **governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general** shall be sealed and transmitted by the returning officers to the secretary of state, **who shall appoint two disinterested judges of a court of record of the state, and the three shall constitute a board of state canvassers. The board shall meet at the State Capitol on the second Tuesday of December next after the election and forthwith open and canvass the returns of the votes cast and from the face thereof ascertain and proclaim the result of the election.** The persons having the highest number of votes for the **respective** offices shall be declared elected, and if two or more persons have an equal **and the highest number of votes for the same office, at its next regular session** the general assembly, by joint vote **and without delay,** shall choose one of such persons for **the** office.

Section 3.

Section 19. **The head of each department may select and remove all ap-**

New Section.

	pointees in the department except as otherwise provided in this Constitution, or by law. All employees in the state eleemosynary and penal institutions, and other state employees as provided by law, shall be selected on the basis of merit, ascertained as nearly as practicable by competitive examinations; provided that any honorably discharged member of the armed services of the United States who is a citizen of this state and was such on entering the service, shall have preference in examination and appointment as prescribed by law.	
	Section 20. The executive **and administrative** officials and departments herein provided for shall **establish their principal offices** and keep **all necessary** public records, books and papers **at the City of Jefferson.**	Section 1 (opposite engrossed section 12 supra).
Sec. 24. Salary of executive officers not to be changed—fees to be paid into treasury.—The officers named in this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms; and they shall not, after the expiration of the terms of those in office at the adoption of this	Section 21. The officers named in this article shall receive for their services salaries **fixed** by law, which shall not be increased or diminished during their terms. After the expiration of the terms of those now in office the officers named shall not receive to their own use any fees, costs, perquisites of office or other compensation, and all fees provided by	Section 24.

Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. All fees that may hereafter be payable by law for any service performed by any officer provided for in this article shall be paid in advance into the state treasury.

Sec. 25. Contested elections of executive officers.—Contested elections of Governor and Lieutenant-Governor shall be decided by a joint vote of both houses of the General Assembly, in such manner as may be provided by law; and contested elections of Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Schools shall be decided before such tribunal and in such manner as may be provided by law.

law for any service performed by them shall be paid in advance into the state treasury.

See section 7 of Engrossed File No. 2.

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FILE NO. 17

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT OF THE COMMITTEE ON LEGISLATIVE DEPARTMENT—NO. 3.

MINORITY REPORT NO. 2.

The undersigned, a minority of the Committee on the Legislative Department, No. 3, respectfully submit to the Convention a minority report as follows:

Believing that a single house for the General Assembly of Missouri would be more representative, democratic, efficient and economical and better equip this State in a postwar world to face the problems that will confront it, and believing that the question of a single or dual legislature should be decided by the Convention itself, we hereby dissent from the report of the majority of said Committee.

ARTICLE IV

LEGISLATIVE DEPARTMENT

Organization, Representation and Apportionment, Procedure and Limitations.

Section 1. The legislative power, subject to the Initiative and Referendum, and the limitation herein contained, shall be vested in one-house, to be styled "The General Assembly of the State of Missouri."

Section 2. The General Assembly shall be composed of a single chamber of such number of members as may be prescribed by law, but not to exceed 81 members. Except as otherwise provided in this constitution, any qualified voter shall be eligible to membership in the General Assembly.

Section 3. The members of the General Assembly shall be chosen by the qualified voters of the State for a term of two years as may be prescribed by law. For the purpose of electing members of the General Assembly, the State shall be divided into 34 senatorial districts, composed of contiguous and compact territory and in population as nearly equal as may be. From each senatorial district there shall be elected two members of different political faith and in addition there shall be elected at large one member from each Congressional district of the State. The term of members of the General Assembly shall begin on the first day of January next following their election.

Section 4. The boundaries of Senatorial districts may be altered from time to time as public convenience and equable balance of population among the districts may require but in the formation of the same no county shall be divided.

Section 5. The election of members of the General Assembly shall be held on the Tuesday next following the first Monday in November in the even numbered years, beginning in 1946.

Section 6. Whenever a vacancy shall occur in the General Assembly it shall be filled by the Governor, by the appointment of some eligible person from the same political party to which the member causing the vacancy belonged. Such appointment to be for the unexpired term.

Section 7. The members of the General Assembly shall receive an annual salary as may be prescribed by law

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but the amount shall neither be increased nor diminished during the term for which they are elected.

Section 8. The General Assembly shall be deemed a continuous body during the biennium for which the members are elected. It shall meet in regular sessions annually and such meeting shall be on the first Wednesday after the first day of January of each year. Special sessions may be called by the Governor or by a majority of the members of the legislative council.

Section 9. No member of the General Assembly shall during the time for which he was elected be eligible to hold any appointive civil office, or position, under the authority of the State which shall have been created, or any appointive State civil office, or position, the emoluments whereof shall have been increased during such term.

Section 10. No member of the General Assembly shall, during the term for which he was elected, qualify into any office, or position under the government of the State.

Section 11. The seat of any member shall be vacated by his acceptance of any State or Federal office, position, or appointment, of profit.

Section 12. No person possessed of any State or Federal office, position, or appointment, of profit, and no Judge of any Court shall be entitled to a seat in the General Assembly.

Section 13. The General Assembly shall be the judge of the election, returns and qualifications of its members, and may by law vest in the courts the trial and determination of contested elections of members. It shall choose its presiding officer, and a secretary who shall serve for an indefinite term. It shall determine its rules of procedure; it may compel the attendance of absent members, punish its members for disorderly conduct and, with the concurrence of two-thirds of all the members, expel a member;

10 and it shall have power to compel attendance and testimony
11 of witnesses, and the production of books and papers either
12 before the General Assembly as a whole or before any com-
13 mittee thereof.

Section 14. For any speech or debate in the General
2 Assembly the members shall not be questioned in any other
3 place.

Section 15. Members of the General Assembly may be
2 appointed by the General Assembly or otherwise and may
3 serve as members of any commission, committee, legislative
4 council or other body whose main purpose is to aid or assist
5 in the performance of quasi-legislative functions or to aid
6 or assist the General Assembly in performing its functions,
7 provided that no compensation shall be paid to any member
8 of the General Assembly because of such membership.

Section 16. The General Assembly shall pass no special
2 act in any case where a general act can be made applicable,
3 and whether a general act can be made applicable shall be
4 a matter for judicial determination. No local act shall
5 take effect until approved by a majority of the qualified
6 voters voting thereon in the district to be affected, except
7 acts repealing local or special acts in effect before the adop-
8 tion of this constitution and receiving a two-thirds vote
9 of all members of the General Assembly on the question of
10 their repeal.

Section 17. A majority of all the members of the Gen-
2 eral Assembly shall constitute a quorum to do business but
3 a smaller number may adjourn from day to day and com-
4 pel the attendance of absent members. The General As-
5 sembly shall keep a journal of its proceedings which shall
6 prescribe the methods of voting on legislative matters, but
7 a record vote, with the yeas and nays entered in the journal,
8 shall be taken on any question on the demand of ten mem-

9 bers. Mechanical devices may be employed to record the
10 votes of members.

Section 18. The General Assembly may establish such
2 committees as may be necessary for the efficient conduct of
3 its business. No committee shall consist of more than 14
4 members and no member shall serve on more than three
5 committees. At the commencement of each session, the
6 General Assembly shall elect a Committee on Committees
7 to consist of fourteen members, one at large, who shall be
8 chairman, and one from each congressional district to be
9 nominated by the members residing therein. It shall be
10 the duty of such committee, by majority vote of all its mem-
11 bers, to select the members of each standing committee and
12 all other committees except as otherwise ordered by the
13 General Assembly. Each committee shall keep a journal of
14 its proceedings as a public record, including the vote taken
15 on all bills. If after thirty days a committee fails to report
16 on a bill ten members of the General Assembly shall have
17 power to relieve a committee of further consideration of
18 such bill. Notice of all committee hearings and a clear state-
19 ment of all subjects to be considered at each hearing shall
20 be published one week in advance in the journal.

Section 19. No law shall be passed except by bill.
2 Every bill, except bills for appropriation and bills for
3 codification, revision or rearrangement of existing laws,
4 shall be confined to one subject which shall be expressed
5 in the title. Bills for appropriations shall be confined to
6 appropriations.

Section 20. No bill shall become a law unless it has
2 been read on three different days, has been printed and
3 upon the desks of the members in final form at least three
4 legislative days prior to final passage, and has received the

5 assent of a majority of all the members of the General
6 Assembly. No bill shall become effective until published
7 as provided by law.

Section 21. No bill other than an appropriation bill
2 shall be introduced in the General Assembly after the
3 sixtieth legislative day of any regular session unless con-
4 sented to by a majority of the elected members of the
5 General Assembly, or unless the Governor shall by special
6 message of the General Assembly request a consideration
7 of the proposed legislation.

Section 22. No law shall be revived or amended by
2 reference to its title only, but the act revived, or the section
3 or sections amended shall be inserted at length.

Section 23. No act shall be passed which shall provide
2 that any existing law, or any part thereof, shall be made
3 or deemed a part of the act, or which shall enact that any
4 existing law, or any part thereof shall be applicable, other
5 than by inserting it in such act.

Section 24. In the year 1949 and every ten years there-
2 after all the statute laws of a general nature, both civil and
3 criminal, shall be revised, digested and promulgated in such
4 manner as the General Assembly may direct.

Section 25. Every bill which shall have passed the
2 General Assembly shall be presented to the Governor; if he
3 approves he shall sign it, but if not he shall return it with
4 his objections to the General Assembly. Any bill so re-
5 turned by the Governor shall be reconsidered by the Gen-
6 eral Assembly and if, upon reconsideration, two-thirds of the
7 members present shall agree to pass the bill it shall become
8 a law. In all cases the vote of the General Assembly shall
9 be by roll call, and entered on the journal.
10 If any bill shall not be signed or returned by the Gov-
11 ernor within fifteen days after it shall have been presented
12 to him it shall be a law in like manner as if he had signed it,

13 except that, if the General Assembly shall be in recess at
14 the end of such fifteen day period, the Governor may return
15 it with his objections upon the reconvening of the General
16 Assembly, and if the General Assembly shall adjourn finally
17 before the Governor has acted on a bill that has been pre-
18 sented to him less than fifteen days before, it shall not be-
19 come law unless the Governor signs it within forty-five days
20 after such adjournment.

Section 26. There shall be a legislative council con-
2 sisting of not less than seven, nor more than fifteen, members
3 chosen by and from the General Assembly. Members of
4 the legislative council shall be chosen by the General Assem-
5 bly at its first session after the adoption of this constitution
6 and at each subsequent session following a general election.
7 Members of the legislative council shall be elected in such
8 manner as the General Assembly shall direct, and when
9 elected shall continue in office until their successors are
10 chosen and have qualified. The General Assembly, by a
11 majority vote of all its members may dissolve the legislative
12 council at any time and proceed to the election of a successor
13 thereto.

Section 27. The legislative council shall meet as often
2 as may be necessary to perform its duties. It shall choose
3 one of its members as chairman and shall appoint a director
4 of research; shall adopt its own rules of procedure, except
5 as such rules may be established by law. The secretary of
6 the General Assembly shall serve ex-officio as secretary of
7 the council.

Section 28. It shall be the duty of the legislative coun-
2 cil to collect information concerning the government and
3 general welfare of the State and to report them to the
4 General Assembly. Measures for proposed legislation may
5 be submitted to it at any time and shall be considered and
6 reported to the General Assembly with its recommendations

7 thereon. The legislative council may also recommend such
8 legislation in the form of bills or otherwise as in its opinion
9 the welfare of the State may require.

REMARKS

The minority members believe this convention will have failed its greatest objective if it says to the people of Missouri, as the committee majority would have it say: "Your present legislature is well-nigh perfect. We have found a minor flaw or two, which we are correcting, but on the whole the Missouri General Assembly as now constituted is a splendid instrument of government. Keep it, and count yourselves blessed."

We think the people know better than that. We think that dissatisfaction with the General Assembly was the cardinal reason why thousands of Missourians voted to call this Convention into being, and that the Convention should not fail them.

There is a great and growing sentiment in Missouri for a one-house General Assembly. We find it in the metropolitan press, where only one of the State's large newspapers is in disagreement. We find it in many of the rural newspapers. We find it in non-partisan organizations of voters and among the men whose life work is the study of government. It was most ably expressed by Bruce R. Trimble, professor of government in the University of Kansas, and Mr. Norman L. Stamps of that University, in their report written for this Convention at the solicitation of the Committee on Research.

The one-house legislature is a triumph of common sense. It appeals to Missourians because it is the simple, honest answer to many of the evils that have plagued the record of our General Assembly. The arguments against it dissolve, upon examination, into thin air—all but one. That one is tradition.

But we of the committee minority hold that this Convention was not called into being to revere the past. It was called rather, to review the governmental needs of Missouri in the

light of the present. It was called to give the voters of this State an opportunity to adopt the betterments in State government that have appeared since 1875; to modernize and improve the structure of government where it has proved weak and ineffective; to enable our commonwealth to march forward with the most progressive of her sister states.

The reasons that lead this minority to believe a one-house legislature would meet that need are, in part:

First: A single house would concentrate responsibility, All the arguments for a short ballot are pertinent to a unicameral assembly. Under the present dual system vicious bills are passed by one house, with the thought that they will be thrown out when they reach the other house. The other house may, however, pass the bills casting back the responsibility on the house in which the bills originated. A sense of real responsibility would make committees which have measures under consideration more careful in reporting bills favorably. Most bills in all bicameral legislatures are killed or amended in the house where they originate and the governor's veto has, on the national average, been more of a curb to bad or hasty legislation than the check of one house against the other.

Second: The friction which sometimes arises between the houses prevents the passage of good measures and often results in a deadlock in which even appropriation bills necessary to run the government are held up.

Third: The present method accentuates the congestion of important legislation which occurs at the end of a session when many important bills are amended and passed with scant attention; or much desirable legislation is killed or dies in committee. Bills are rushed from one house to another in the few days before adjournment and in the confusion much undesirable legislation is passed and becomes law, unless the decerning and critical eye of the governor sees the defects or vices of the bill and it is vetoed.

Fourth: The increasing cost of government and the cost of paying for the war makes necessary greater economy. It could be effected with one house, at the same time compensating the fewer members adequately to do a full time job. The President of the Taxpayers' Union of Nebraska figures that the State will save a billion dollars in a twelve year period over the high cost of what they call the "Missouri Waltz" plan.

Fifth: A one-house legislature in the five sessions in Nebraska demonstrates that a higher grade of representative results and that a greater prestige attaches to the member of the General Assembly in a smaller and more representative body. The legislative product is shown to be more stable.

Now what may be said of the advantages of the present system? If a double house can do better work, or is more desirable for any reason, why not divide the present Constitutional Convention into two parts, sitting and deliberating apart? No delegate in this Convention, we believe, would advise such a course or such a method of selecting delegates in the future. The following arguments are made for the present system:

First: That the General Assembly touches the people and gives local representation. We think, however, that the Senators just as truly represent localities as the Representatives and that it will be found that the Senators introduce nearly as many local measures as Representatives. If home rule for cities of ten thousand and over and counties of fifty thousand and over is granted by the Convention, there will not be the need for local legislation which in the most recent Revised Statutes covered over seventeen hundred bills. This would do away with the "errand boy" type of legislator that a former Senator delegate has so ably described.

Second: That one house acts as a check upon the other. We believe that more frequently two houses, instead of acting as a check, tend to remove the sense of responsibility and let

loose a flood of legislation which a more responsible body would restrain. The effective check upon undesirable legislation is an informed public opinion (because of a simplified legislative process), and the Governor's veto. These checks are all that are necessary. When the bicameral legislature was adopted most states lacked a Governor's veto. Missouri has, with four other states, the strongest, an item veto. It also has the referendum which was adopted to protect the State against the legislation of our present two-house system.

Third: It has been said that we do not want efficiency in our legislative department but "discussion." Critics of the bicameral system point out that in large legislative bodies there is less deliberation, the desirable thing, but more discussion and oratory. Even this one-house Convention has seen its share of the latter and certainly no one can say that there has not been discussion and deliberation here in this Convention.

Under our two party system, if the same party controls both houses there will be no checks and very little "critical revision," of each other's legislation. If the Senate and the House are controlled by different parties, as in the present General Assembly, there will be a deadlock as there was in the last session. The Republican House passed the Governor's reorganization bill and it was killed in the Democratic Senate, and the Senate passed the Merit Bill and it was killed in the House, although one of the planks in the Republican platform. Many suspect that it was an agreed program of "passing the buck" and dodging responsibility.

Finally, we have the argument from tradition that because this State has always had two houses and because other states with the exception of Nebraska have two houses, we must continue the system. This plaster-cast of tradition may be proper when conditions remain the same, or where there is no life, growth or development. But let us see first what led to the adoption of the two houses of the General Assembly. It was

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partly accidental and partly a distrust of the people. It was accidental that Eighteenth Century England had a House of Lords and a House of Commons. It would have had a third House, the Clergy, as did France except that the Clergy could not be induced to act as a regular parliamentary estate. There was no conviction that two would act better than one or three. There was a reason for two Houses of Parliament, as they represented different interests, the nobility or landed gentry on the one hand and the people on the other. Our Congress has in its two houses from the start represented two different interests, the sovereign states of the Union on the one hand and the people on the other. Fear of the People as the mob, and the property qualifications to be a Senator, or to vote for him, plus the desire to get the small states into the Union, were the reasons behind our bicameral Congress. But in the State Legislatures there is no representation of different interests. Representatives and Senators are chosen from similar geographical areas, one somewhat larger than the other. The same distrust of the people led to the election of the President by a body of electors, who were supposed to exercise their independent judgment and not necessarily vote as the people directed. Both Thomas Jefferson and Woodrow Wilson have pointed out that there is no possible similarity between the reasons for a bicameral set-up for the Federal Government and the General Assemblies of the State. Both favored one-house State Legislatures.

It is also refreshing to know that even in the early days when our Government was forming, democratic and clear headed Benjamin Franklin advocated a single house for Pennsylvania, which had one for thirty years, and said that making two houses was like hitching horses to each end of a cart and letting them pull in opposite directions, a metaphor which we have since seen verified. Franklin cited the famous fable of the snake with two heads and one body: "She was going to a brook to drink and on her way was to pass through a hedge, a twig of which

opposed her direct course; one head chose to go on the right side of the twig, the other on the left; so that time was spent in the contest and before the decision was completed the poor snake died of thirst."

That great modern political philosopher, Mr. James Bryce states in his American Commonwealth that "the real blemishes on the system of State Government are found in the composition or conduct of the legislatures." In comparing them with Congress he found some resemblance but remarked that: "In most States it exaggerates the characteristic defects of Congress. It has fewer able and highminded men among its members. It has less of recognized leadership. It is surrounded by temptations relatively greater. It is guarded by a less watchful and less interested public opinion."

Times have changed since the Revolution and while most of the legislative bodies copied Eighteenth Century England, since World War 1 most of the democratic nations of Europe have adopted one-house legislatures. The exceptions are Germany, a federal state, and Austria with a long tradition of bicameral legislatures. These European democracies set up single chambered legislatures, looking to modern England as their model as we look to old England in our first Governments. England today has concentrated power in the House of Commons; the House of Lords has no power over money bills and can only delay ordinary bills. Thus the British example which helped determine bicameralism in the Eighteenth Century became a model for European unicameralism in the Twentieth Century, and on this side of the water all but one of the provinces of Canada, every large city in the United States (several with larger and more diversified population than any State), and Nebraska has a modern unicameral type of legislative body, keyed to today's needs. When the United States set up a government for the Philippines a one-house body was chosen.

We must realize that there is much real dissatisfaction with our General Assembly and with the legislative product. There is a cry that there is too much legislation and that the General Assembly does not represent public sentiment. The device of the initiative and referendum, bad substitutes for representative government, have been introduced in this and other States because the people have lost faith in their legislatures; last, but not least, the great trend toward nationalism, which has been accelerated by the breakdown and expense of our State Governments, may have gone too far to stop, but we in this Convention have an opportunity that most of the other States would like to have, and that is to start from scratch and rebuild this department of our State government into a strong, democratic, representative, responsible and efficient branch that may turn back this national tide to its proper bounds and build for our General Assembly in Missouri the prestige it ought to have. When the people lose confidence in their government they are likely to look to the Huey Longs for deliverance. Let's rise to the challenge and give Missouri a modern government. Let's make Missouri a "Show you" rather than a "Show me" state.

STRATFORD LEE MORTON
JONES H. PARKER
*ETHAN A. H. SHEPLEY
RUBY W. BENECKE
G. D. CLAYTON, JR.
MARSHALL E. FORD

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*With exceptions.

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FILE NO. 17

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE IV.

Reported from the Committee on Legislative Department.—No. 3, March 29, 1944, with recommendation that the Committee Substitute for Proposals Nos. 7, 8, 9, 10, 11, 47, 56, 72, 74, 75, 76, 91, 101, 102, 109, 110, 125, 139, Art. III of 142, 148, 149, 163, 164, 181, 189, 191, 215, 225, 251, 267, 271, 273, 276, 277, 286, 328, 345, 358, 360, 365, 367, 372, 373, 375 be adopted.

R. E. L. MARRS, Secretary.

REPORT OF THE COMMITTEE ON THE LEGISLATIVE DEPARTMENT—NO. 3

Mr. President:

Your Committee on the Legislative Department—No. 3, to which was referred Proposals Nos. 7, 8, 9, 10, 11, 47, 56, 72, 74, 75, 76, 91, 101, 102, 109, 110, 125, 139, Article III of 142, 148, 149, 163, 164, 181, 189, 191, 215, 225, 251, 267, 271, 273, 276, 277, 286, 328, 345, 358, 360, 365, 367, 372, 373, 375, Petition No. I, and Section 12 of Article XIV, begs leave to report that it has carefully considered the same, and as a substitute for and in lieu of all above numbered proposals, recommends its Committee Substitute as follows:

ARTICLE IV

LEGISLATIVE DEPARTMENT

Representation and Apportionment

Section 1. The legislative power, subject to the
2 Initiative and Referendum and to the limitations herein
3 contained, shall be vested in a Senate and House of Repre-

sentatives to be styled "The General Assembly of the State of Missouri".

Section 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio shall be entitled to two Representatives; each county having four times said ratio shall be entitled to three Representatives; each county having six times such ratio shall be entitled to four Representatives, and so on above that number, giving one additional member for every two and a half additional ratios.

Section 3. When any county shall be entitled to more than one Representative, the county court shall cause such county to be subdivided into districts of compact and contiguous territory, corresponding in number to the Representatives to which such county is entitled, and in population as nearly equal as may be, in each of which the qualified voters shall elect one Representative, who shall be a resident of such district: *Provided*, That when any county shall be entitled to more than ten Representatives, the circuit court shall cause such county to be sub-divided into districts, so as to give each district not less than two nor more than four Representatives, who shall be residents of such district—the population of the districts to be proportioned to the number of Representatives to be elected therefrom.

Section 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years, who shall not be a citizen of the United States, who shall not have been a qualified voter of this State two years, and an inhabitant of the county or district which he may be chosen to represent one year next before the day of his election, if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken.

Section 5. The Senate shall consist of thirty-four members, to be chosen by the qualified voters of their respective districts for four years. For the election of Senators the State shall be divided into convenient districts, as nearly equal in population as may be, the same to be ascertained by the last decennial census taken by the United States.

Section 6. No person shall be a Senator who shall not have attained the age of thirty years, who shall not be a citizen of the United States, who shall not have been a qualified voter of this State three years, and an inhabitant of the district from which he may be chosen to represent one year next before the day of his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken. When any county shall be entitled to more than one Senator, the Circuit Court shall cause such county to be sub-divided into districts of compact and contiguous territory, and of population as nearly equal as may be, corresponding in number with the Senators to which such county may be entitled; and in each of these one Senator, who shall be a resident of such district, shall be elected by the qualified voters thereof.

Section 7. Immediately following the adoption of this
2 Constitution the Governor, by and with the advice and con-
3 sent of the Senate, shall appoint a bi-partisan commission
4 of ten members, five from each of the two major political
5 parties, to re-district the state into thirty-four senatorial
6 districts. And following the taking of the next decennial
7 census and following the taking of each decennial census
8 thereafter, like commissions shall be appointed for similar
9 purposes. The population of the state shall be divided by
10 the number thirty-four and the quotient shall be the ratio
11 of representation in the Senate. No senatorial district shall
12 contain less than three-fourths of a ratio. A full statement
13 of the districts formed by the commission including the
14 names of the counties embraced in each district and the
15 numbers of the districts shall be filed in the Office of the
16 Secretary of State. The report of the commission must be
17 approved by at least seven members. And thereafter Sena-
18 tors shall be chosen from said districts until the state
19 has been re-districted, as herein provided. If the commis-
20 sion fails to re-district the state as herein provided within
21 one year after their appointment and confirmation the
22 commission shall be deemed discharged and Senators to be
23 elected at the next general election shall be elected at large
24 and following said election a new commission shall be
25 appointed with like powers as above set forth. The re-
26 districting herein provided for shall not be subject to the
27 referendum.

Section 8. Until apportionment of the Representatives
2 can be made in accordance with the provisions of this
3 Article The House of Representatives shall consist of 154
4 members, which shall be divided among the several counties
5 of the State as follows: The County of Buchanan shall have
6 three; the County of Greene shall have three; the County
7 of Jackson shall have eleven; the County of Jasper shall

have three; the City of St. Louis shall have eighteen, and the County of St. Louis shall have seven, and each of the other counties in the State one.

Section 9. Senatorial and Representative districts may be altered, from time to time, as public convenience may require. When any Senatorial district shall be composed of two or more counties, they shall be contiguous; such districts to be as compact as may be, and in the formation of the same no county shall be divided.

Section 10. The first election of Senators and Representatives under this Constitution, shall be held at the General Election in the year one thousand nine hundred and forty-six when the whole number of Representatives and the Senators from the districts having even numbers, who shall compose the first class shall be chosen, and two years thereafter the whole number of Representatives and the Senators from districts having odd numbers, who shall compose the second class, shall be elected, and so on at each succeeding general election.

Section 11. No person holding any lucrative office under the United States of this State or any municipality thereof (members of the organized militia, justices of the peace, and notaries public excepted) shall be eligible to either House of the General Assembly; and no senator or representative shall during the term for which he shall have been elected be appointed to any office under this State, or receive remuneration or accept employment under any official or department of the State; any senator or representative violating any provision of this Section shall forthwith forfeit his office in the General Assembly.

Section 12. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

Section 13. Writs of election to fill such vacancies as may occur in either house of the General Assembly shall be issued by the Governor.

Section 14. Every Senator and Representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law." The oath shall be administered in the halls of their respective houses to the members thereof, by some judge of the Supreme Court, or the Circuit Court, or the County Court of Cole County, or after the organization by the presiding officer of either house, and shall be filed in the Office of the Secretary of State. Any member of either house refusing to take said oath or affirmation shall be deemed to have thereby vacated his office, and any member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever thereafter disqualified from holding any office of trust or profit in this State.

Section 15. The members of the General Assembly shall severally receive from the State Treasury for their services a monthly salary of one hundred and twenty-five dollars per month commencing as of January 1st next following the adoption of this Section, and upon certification by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, as to the respective members thereof, the State Auditor is hereby directed and empowered to audit and the State Treasurer to pay such compensation without legislative

enactment. The members of either house shall also receive the sum of one dollar ($1.00) for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route.

Section 16. Neither house of the General Assembly shall employ to exceed in all 75 employees, elective, appointive or any other, at any time during any session.

Section 17. Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct; and, with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

Section 18. A majority of the whole number of members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Section 19. The sessions of each house shall be held with open doors, except in cases which may require secrecy.

Section 20. The General Assembly shall meet in regular session once in every two years; and such meeting shall be on the first Wednesday after the first day of January, next after the election of the members thereof.

Section 21. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General

4 Assembly, and for the fifteen days next before the com-
5 mencement and after the termination of each session; and
6 for any speech or debate in either house they shall not be
7 questioned in any other place.

Section 22. Neither house shall, without the consent
2 of the other, adjourn for more than ten days at any one time,
3 nor to any other place than that in which the two houses
4 may be sitting.

Legislative Proceedings

Section 23. The style of the laws of this State shall be:
2 "Be it enacted by the General Assembly of the State of
3 Missouri, as follows."

Section 24. No law shall be passed except by bill, and
2 no bill shall be so amended in its passage through either house
3 as to change its original purpose.

Section 25. Bills may originate in either house, and
2 may be amended or rejected by the other; and every bill
3 shall be read by title on three different days in each house.

Section 26. Bills shall be referred to a committee of
2 the house in which the bill is pending but all bills referred
3 to a committee (except appropriation bills) must be reported
4 on within thirty legislative days from the final date for
5 introduction of bills, unless the time is extended by a ma-
6 jority vote of the elected members of the house in which the
7 bill is pending. Each committee shall keep a public record
8 of its proceedings and all reports on bills shall carry the
9 recorded vote of the members of the committee.

Section 27. No bill (except appropriation bills) shall
2 contain more than one subject which shall be clearly ex-
3 pressed in its title; but if any subject shall be embraced in an
4 act which shall not be expressed in the title such act shall be
5 void only as to so much thereof as shall not be embraced in
6 the title.

Section 28. No bill shall be considered for final passage
2 in either house for at least two days after it, with all amend-
3 ments thereto, has been printed and copies distributed among
4 the members; and no bill other than an appropriation bill
5 shall be introduced in either house after the sixtieth legis-
6 lative day of any regular session, unless consented to by a
7 majority of the elected members of each house, or unless the
8 Governor shall by special message to the General Assembly
9 request a consideration of the proposed legislation.

Section 29. If a bill passed by either house be returned
2 thereto amended by the other the house to which the same
3 is returned shall cause the amendment or amendments so
4 received to be printed for the use of the members before
5 final action on such amendments.

Section 30. No bill shall become a law unless on its
2 final passage the vote be taken by yeas and nays, the names
3 of the members voting for and against the same be entered
4 on the journal, and a majority of the members elected to
5 each house be recorded thereon as voting in its favor.

Section 31. No amendment to bills by one house shall
2 be concurred in by the other, except by a vote of a majority
3 of the members elected thereto, taken by yeas and nays, and
4 the names of those voting for and against recorded upon the
5 journal thereof; and reports of committees of conference
6 shall be adopted in either house only by the vote of a majority
7 of the members elected thereto, taken by yeas and nays,
8 and the names of those voting recorded upon the journal.

Section 32. No act shall be revived or reenacted by
2 mere reference to the title thereof, but the same shall be set
3 forth at length, as if it were an original act. No act shall
4 be amended by providing that designated words thereof be
5 stricken out, or that designated words be inserted, or that
6 designated words be stricken out and others inserted in lieu

7 thereof; but the words to be stricken out, or the words to be
8 inserted, or the words to be stricken out and those inserted
9 in lieu thereof, together with the act or section amended,
10 shall be set forth in full as amended.

Section 33. No laws passed by the General Assembly,
2 except an appropriation act, shall take effect or go into
3 force until ninety days after the adjournment of the session
4 at which it was enacted, unless in case of an emergency
5 (which emergency must be expressed in the preamble or in
6 the body of the act), the General Assembly shall, by a vote
7 of two-thirds of all the members elected to each house,
8 otherwise direct; said vote to be taken by yeas and nays and
9 entered upon the journal. *Provided*, in case the General
10 Assembly recesses for thirty days or more, it may prescribe
11 by joint resolution that all laws previously passed and not
12 effective shall take effect ninety days from the date of such
13 recess.

Section 34. No bill shall become a law until the same
2 shall have been signed by the presiding officer of each of the
3 two houses in open session; and before such officer shall
4 affix his signature to any bill he shall suspend all other busi-
5 ness, declare that such bill shall not be read and that if no
6 objections be made he will sign the same to the end that it
7 may become a law. If in either house any member shall
8 object that any substitution, omission or insertion has oc-
9 curred, so that the bill proposed to be signed is not the same
10 in substance and form as when considered and passed by
11 the house, or that any particular clause of this article of the
12 Constitution has been violated in its passage, such objection
13 shall be passed upon by the house, and if sustained, the pre-
14 siding officer shall withhold his signature. Said protest,
15 when offered in the house, shall be noted upon the journal,
16 and the original shall be annexed to the bill to be considered
17 by the Governor in connection therewith.

Section 35. When the bill has been signed, as provided
2 for in the preceding section, it shall be the duty of the
3 Secretary of the Senate, if the bill originated in the Senate,
4 and of the Chief Clerk of the House of Representatives, if
5 the bill originated in the House, to present the same in per-
6 son on the same day on which it was signed as aforesaid, to
7 the Governor, and enter the fact upon the journal. Every
8 bill presented to the Governor, and returned within fifteen
9 days to the house in which the same originated, with the
10 approval of the Governor, shall become a law unless it be in
11 violation of some provision of this constitution. When the
12 General Assembly shall adjourn or recess for a period of
13 thirty days or more, the Governor may within forty-five
14 days thereafter return any bill to the office of the Secretary
15 of State with his approval or reasons for disapproval.

Section 36. Every bill presented as aforesaid, but re-
2 turned without the approval of the Governor, and with his
3 objections thereto, shall stand as reconsidered in the house
4 to which it is returned. The house shall cause the objections
5 of the Governor to be entered at large upon the journal,
6 and proceed, at its convenience, to consider the question
7 pending, which shall be in this form: "Shall the bill pass,
8 the objections of the Governor thereto notwithstanding?"
9 The vote upon this question shall be taken by yeas and
10 nays, and the names entered upon the journal, and if two-
11 thirds of all the members elected to the house vote in the
12 affirmative, the presiding officer of that house shall certify
13 that fact on the roll, attesting the same by his signature,
14 and send the bill, with the objections of the Governor, to
15 the other house, in which like proceedings shall be had in
16 relation thereto; and if the bill receive a like majority of the
17 votes of all the members elected to that house, the vote
18 being taken by yeas and nays, the presiding officer thereof
19 shall, in like manner, certify the fact upon the bill. The

20 bill thus certified shall be deposited in the Office of the
21 Secretary of State, as an authentic act, and shall become
22 a law in the same manner and with like effect as if it had
23 received the approval of the Governor.

Section 37. Whenever the Governor shall fail to return
2 within the time prescribed by this Constitution, a bill pre-
3 sented to him, the General Assembly may, by joint resolu-
4 tion, reciting the fact of such failure and the bill at length,
5 direct the Secretary of State to enroll the same as an authen-
6 tic act, in the archives of the State, and such enrollment
7 shall have the same effect as an approval by the Governor;
8 provided, that such joint resolution shall not be submitted
9 to the Governor for his approval.

Section 38. Each house shall from time to time publish
2 a journal of its proceedings, and the yeas and nays on any
3 question shall be taken and entered on the journal at the
4 motion of any five members. Whenever the yeas and nays
5 are demanded, the whole list of members shall be called,
6 and the names of the absentees shall be noted and published
7 in the journal.

Section 39. Committees may be selected in the manner
2 provided by the rules of the respective houses but no com-
3 mittee of the Senate shall be composed of more than ten
4 members nor shall any committee of the House of Repre-
5 sentatives be composed of more than eighteen members and
6 no member of either house shall be a member of more than
7 four committees organized for the consideration of bills.

Section 40. In the year 1949 and every ten years there-
2 after all the statute laws of a general nature, both civil and
3 criminal, shall be revised, digested and promulgated in such
4 manner as the General Assembly shall direct. *Provided,*
5 *However*, that no member of the General Assembly shall
6 receive any compensation in addition to his salary as a

member of the General Assembly for any services that he may render in connection with said revision.

Section 41. There shall be a Legislative Council chosen by and from the General Assembly. Members of the Legislative Council shall be selected in such manner as the General Assembly shall direct. The General Assembly by a majority vote of its members may dissolve the Legislative Council at any time and proceed to the selection of a successor thereto.

Section 42. There shall be a Legislative Council consisting of seven members of the Senate and eight members of the House and to be chosen in the manner provided by the rules of the respective houses.

Members of the Legislative Council shall be chosen at the first session after the adoption of this Constitution and at each subsequent election following a general election and shall serve until their successors are elected.

The Legislative Council shall choose one of its members as chairman and shall employ such assistants as may be provided by law. They shall meet as often as may be necessary to perform the duties assigned them.

But members of the Council shall receive no additional compensation as such members but may be allowed necessary traveling and other expenses while attending the meetings of the Council. The Legislative Council shall perform the following services for the members of the General Assembly:

(1) Provide a research and reference service on legislative problems. (2) Prepare measures to codify, condense and otherwise improve the statutes. (3) Prepare data regarding the practical operation of the statutes of this and other states. (4) Aid in drafting bills and resolutions or amendments thereto when requested by the members.

25 (5) Advise as to the constitutionality or probable effect
26 of proposed legislation. (6) Prepare summaries of existing
27 laws affected by proposed legislation. (7) Prepare measures
28 for the repeal of obsolete laws and those that have been
29 declared unconstitutional. (8) Study the statutes in effect
30 in Missouri in order to determine feasible ways of reducing
31 the number and bulk of such statutes and for rendering them
32 more consistent, compact and intelligible. (9) Compile
33 summaries of other laws of other states relating to subject
34 matters of proposed legislation and statements concerning
35 the operation and effect of such laws. (10) Perform such
36 other duties as may be required by law.

37 The recommendations of the Council must be completed
38 and made public at least thirty days prior to any session of
39 legislature at which such recommendations are to be sub-
40 mitted and a copy of said recommendations shall be mailed
41 to the post office address of each member of the legislature.

Limitation on Legislative Power

Section 43. All revenue collected and money received
2 by the State from any source whatsoever shall go into the
3 treasury and the General Assembly shall have no power to
4 divert the same or to permit the money to be withdrawn
5 from the treasury, except in pursuance of regular appro-
6 priations made by law. All appropriations of money by
7 successive General Assemblies shall be made in the follow-
8 ing order:

9 First: For payment of sinking fund and interest on
10 outstanding obligations of the State.

11 Second: For the purpose of public education.

12 Third: For the payment of the cost of assessing and
13 collecting the revenue.

14 Fourth: For the payment of the civil lists.

Fifth: For the support of eleemosynary and other state institutions.

Sixth: For public health and public welfare.

Seventh: For all other state purposes.

Eighth: For the expenses and pay of the General Assembly.

Section 44. The General Assembly shall have no power to contract or authorize the contracting of any debt or liability on behalf of the State, or to issue bonds or other evidences of indebtedness therefor, except in the following cases:

First: To refund outstanding bonds; such refunding bonds shall mature in not more than 20 years from the date they bear.

Second: On the occurring of an unforeseen emergency or casual deficiency in revenue, when the temporary liability to be incurred, upon the recommendation of the Governor first had, shall not exceed the sum of One Million Dollars ($1,000,000.00), to be paid in not more than five (5) years from and after its creation.

Third: In addition to the authority granted above for the creation of indebtedness, the General Assembly or the people, by the Initiative process, when the liability proposed to be incurred shall exceed the sum of One Million Dollars ($1,000,000.00), may submit to the qualified voters of the State a proposal setting forth the amount of the proposed indebtedness and the terms thereof. If such proposal be assented to by a majority of the qualified voters of the State voting thereon at a general or special election, such indebtedness may be

28 incurred and bonds issued in evidence thereof.
29 Provided, that said bonds must be retired
30 serially and by installments within a period
31 not exceeding twenty (20) years from the
32 date of the issuance thereof.

33 Before or at the time of issuing bonds or other evi-
34 dences of indebtedness under the provisions of this section,
35 the General Assembly shall make adequate provision for
36 the payment thereof and the interest thereon, and to that
37 end may provide for the levy and collection of an annual
38 tax upon all taxable property within the State in an amount
39 sufficient for said purpose.

Section 45. The General Assembly shall have no power
2 to give or to lend, or to authorize the giving or lending of
3 the credit of the State in aid or to any person, association
4 or corporation, whether municipal or other, or to pledge the
5 credit of the State in any manner whatsoever, for the pay-
6 ment of the liabilities, present or prospective, of any indi-
7 vidual, association of individuals, municipal or other cor-
8 poration whatsoever.

Section 46. The General Assembly shall have no power
2 to make any grant of public money or thing of value or lend
3 public credit or authorize the lending of public credit to any
4 individual, association of individuals or corporations what-
5 soever. Provided, that this section shall not be so con-
6 strued as to prohibit the granting of aid in cases of public
7 calamity or to prevent the establishment by general law
8 of pensions for the blind, or assistance to persons over
9 sixty-five years of age, for aid to dependent children, for the
10 blind, for crippled children, for the rehabilitation of persons,
11 for direct relief, or to prevent the receiving of funds or prop-
12 erty from the United States Government for any public
13 purpose designated by said Government and a re-distribu-

tion of the same together with public money according to the purposes so designated.

Section 47. The General Assembly shall have no power to authorize any county, city, town or other political corporation or subdivision of the State now existing, or that may be hereafter established to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever. Provided, that the General Assembly shall have power to provide by law or to authorize any municipality in this State to provide by ordinance, for the pensioning of the salaried members of any organized police force or fire department and the widows and minor children of the deceased members thereof, and to provide for payment into a fund or funds for paying benefits upon retirement, disability or death to persons employed or paid out of any public fund for educational services, their beneficiaries or their estates.

Section 48. The General Assembly shall have no power to grant, or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay nor authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such agreements or contracts shall be null and void.

Section 49. The General Assembly shall have no power to release or extinguish, or authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual, to this State, or to any county or other municipal corporation therein.

Section 50. The General Assembly shall have no power
2 to make any appropriation of money, or to issue any bonds
3 or other evidences of indebtedness for the payment, or on
4 account or in recognition of any claims audited or that may
5 hereafter be audited by virtue of an act entitled "An Act
6 to audit and adjust the war debt of the State," approved
7 March 19, 1874, or any act of a similar nature, until after
8 the claim so audited shall have been presented to and paid
9 by the Government of the United States to the State of
10 Missouri.

Section 51. The General Assembly shall not pass any
2 local or special law:
3 (1) Authorizing the creation, extension or impairing
4 of liens:
5 (2) Regulating the affairs of counties, cities, townships,
6 wards or school districts:
7 (3) Changing the names of persons or places:
8 (4) Changing the venue in civil or criminal cases:
9 (5) Authorizing the laying out, opening, altering or
10 maintaining roads, highways, streets or alleys:
11 (6) Relating to ferries or bridges, or incorporating
12 ferry or bridge companies, except for the erection of bridges
13 crossing streams which form boundaries between this and
14 any other state:
15 (7) Vacating roads, town plats, streets or alleys:
16 (8) Relating to cemeteries, graveyards or public
17 grounds not of the State:
18 (9) Authorizing the adoption or legitimation of chil-
19 dren:
20 (10) Locating or changing county seats:
21 (11) Incorporating cities, towns, or villages, or chang-
22 ing their charters:
23 (12) For the opening and conducting of elections, or
24 fixing or changing the place of voting:

25 (13) Granting divorces:
26 (14) Erecting new townships, or changing township
27 lines, or the lines of school districts:
28 (15) Creating offices, or prescribing the powers and
29 duties of officers in counties, cities, townships, election or
30 school districts:
31 (16) Changing the law of descent or succession:
32 (17) Regulating the practice or jurisdiction of, or chang-
33 ing the rules of evidence in any judicial proceeding or in-
34 quiry before courts, justices of the peace, sheriffs, commis-
35 sioners, arbitrators or other tribunals, or providing or
36 changing methods for the collection of debts, or the enforc-
37 ing of judgment, or prescribing the effect of judicial sales
38 of real estate:
39 (18) Regulating the fees or extending of powers and
40 duties of alderman, justices of the peace, magistrates or
41 constables:
42 (19) Regulating the management of public schools, the
43 building or repairing of schoolhouses, and the raising of
44 money for such purposes:
45 (20) Fixing the rate of interest:
46 (21) Affecting the estates of minors or persons under
47 disability:
48 (22) Remitting fines, penalties and forfeitures, or re-
49 funding moneys legally paid into the treasury:
50 (23) Exempting property from taxation:
51 (24) Regulating labor, trade, mining or manufacturing:
52 (25) Creating corporations, or amending, renewing,
53 extending or explaining the charter thereof:
54 (26) Granting to any corporation, association or indi-
55 vidual any special or exclusive right, privilege or immunity,
56 or to any corporation, association or individual the right to
57 lay down a railroad track:
58 (27) Declaring any named person of age:

59 (28) Extending the time for the assessment or collec-
60 tion of taxes, or otherwise relieving any assessor or collector
61 of taxes, from the due performance of their official duties,
62 or their securities from liability:

63 (29) Giving effect to informal or invalid wills or deeds:

64 (30) Summoning or empaneling grand or petit juries:

65 (31) For limitation of civil actions:

66 (32) Legalizing the unauthorized or invalid acts of any
67 officer or agent of the State, or of any county or munici-
68 pality thereof. In all other cases where a general law can be
69 made applicable, no local or special law shall be enacted;
70 and whether a general law could have been made applicable
71 in any case is hereby declared a judicial question, and as such
72 shall be judicially determined, without regard to any Legis-
73 lative assertion on that subject:

74 (33) Nor shall the General Assembly indirectly enact
75 such special or local law by the partial repeal of a general
76 law; but laws repealing local or special acts may be passed:

Section 52. No local or special law shall be passed
2 unless notice of the intention to apply therefor shall have
3 been published in the locality where the matter or thing to
4 be affected may be situated, which notice shall state the
5 substance of the contemplated law, and shall be published
6 at least thirty days prior to the introduction into the General
7 Assembly of such bill, and in the manner to be provided by
8 law. The evidence of such notice having been published
9 shall be exhibited in the General Assembly before such act
10 shall be passed, and the notice shall be recited in the act
11 according to its tenor.

Section 53. The General Assembly shall have no power,
2 when convened in extra session by the Governor, to act
3 upon subjects other than those specially designated in the
4 proclamation by which the session is called, or recommended

5 by special message to its consideration by the Governor
6 after it shall have been convened.

Section 54. The General Assembly shall have no power
2 to remove the seat of Government of this State from the
3 City of Jefferson.

The foregoing Report is respectfully submitted,

*JONES H. PARKER
*ALLEN McREYNOLDS
MEREDITH GARTEN
EARLE E. FOGLE
*MRS. AMANDA D. HARGIS
*MARSHALL E. FORD
*STRATFORD LEE MORTON
*CHAS. H. MAYER
*ETHAN A. H. SHEPLEY
L. N. SEARCY
*O. C. TEE
R. T. WOOD
RUBY W. BENECKE
C. S. DUNCAN
*GEORGE F. HEEGE
*V. E. PHILLIPS
*JOE C. CRAIN
GEO. D. CLAYTON, Jr.,
Chairman

MINORITY REPORT

We, the undersigned, a minority of the committee on
2 the Legislative Department, respectfully submit to the
3 Convention a minority report as follows:

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*With reservations

ARTICLE IV.

LEGISLATIVE DEPARTMENT

Organization, Representation and Apportionment.

Section 1. The legislative power, subject to the Initiative and Referendum and the limitations herein contained, shall be vested in a Senate and House of Representatives, to be styled "The General Assembly of the State of Missouri."

Section 2. The Senate shall consist of thirty-four members. Senators shall be elected for four years and by single legislative districts. Such districts shall be numbered from one to thirty-four, inclusive, each of which shall choose one senator. In the districts bearing odd numbers, elections shall be held in the year 1944 and each four years thereafter. In the districts bearing even numbers, elections shall be held in the year 1946 and each four years thereafter. No county shall be divided in the formation of legislative districts, unless such county shall be entitled to two or more senators. The present senatorial districts shall constitute such legislative districts until the re-districting provided for herein.

Section 3. The House of Representatives shall consist of sixty-eight members, and the term of office shall be two years. Two representatives shall be elected from each legislative district at the general election of 1946 and every two years thereafter. The General Assembly may provide by law for the subdividing of legislative districts for the election of members of the House of Representatives.

Section 4. (Apportionment. Amendments to this report as to this section will be presented on the Convention floor.)

Section 5. No person shall be a senator who has not
2 attained the age of thirty years or a representative who has
3 not attained the age of twenty-four years. Each senator
4 and representative shall be a resident of the district from
5 which elected, and shall have been a voter of this State at
6 least three years next preceding his election.

Section 6. No senator or representative during his
2 incumbency in office shall be elected or appointed to any
3 office under the United States, this State, or any munici-
4 pality thereof. No member of Congress or person holding
5 any lucrative office under the United States, or this State,
6 or any municipality thereof, shall be eligible to either house
7 of the General Assembly. Any senator or representative
8 accepting an office under the United States, this State, or
9 any municipality thereof, shall be deemed to have resigned
10 as a member of the General Assembly, and shall exercise
11 no further rights therein, nor receive further compensation
12 as such member. The provisions of this section shall not
13 apply to members of the organized militia, members of
14 school boards, justices of the peace and notaries public.

Section 7. No member of the General Assembly shall,
2 during the time for which he shall have been elected nor
3 for one year thereafter, be elected or appointed to any civil
4 office in this State which shall have been created or the
5 emoluments of which shall have been increased during said
6 term.

Section 8. Every senator and representative elect,
2 before entering upon the duties of his office, shall take and
3 subscribe the following oath or affirmation: "I do solemnly
4 swear, or affirm, that I will support the Constitution of the
5 United States and of the State of Missouri, and faithfully
6 perform the duties of my office; and that I will not know-
7 ingly receive, directly or indirectly, any money or other

8 valuable thing for the performance or non-performance of
9 any act or duty pertaining to my office, other than the com-
10 pensation allowed by law." The oath shall be administered
11 in the halls of their respective houses, to the members thereof,
12 by some judge of the Supreme Court, or the circuit court,
13 or the county court of Cole County, or after the organiza-
14 tion by the presiding officer of either house, and shall be
15 filed in the office of the Secretary of State. Any member of
16 either house refusing to take said oath or affirmation shall be
17 deemed to have thereby vacated his office, and any member
18 convicted of having violated his oath or affirmation shall
19 be deemed guilty of perjury, and be forever thereafter dis-
20 qualified from holding any office of trust or profit in this
21 State.

Section 9. Each house shall appoint its own officers;
2 shall be sole judge of the qualifications, election and returns
3 of its own members; may determine the rules of its own
4 proceedings, except as herein provided; may arrest and
5 punish by fine not exceeding three hundred dollars, or im-
6 prisonment in a county jail not exceeding ten days, or both,
7 any person, not a member, who shall be guilty of disrespect
8 to the house by any disorderly or contemptuous behavior
9 in its presence during its sessions may punish its members
10 for disorderly conduct, and, with the concurrence of two-
11 thirds of all members elect, may expel a member; but no
12 member shall be expelled a second time for the same cause.

Section 10. A majority of the whole number of mem-
2 bers of each house shall constitute a quorum to do business;
3 but a smaller number may adjourn from day to day, and
4 may compel the attendance of absent members in such
5 manner and under such penalties as each house may provide.

Section 11. The General Assembly elected in the year
2 one thousand nine hundred and forty-four shall meet on the

first Wednesday after the first day of January, one thousand nine hundred and forty-five; and thereafter the General Assembly shall meet in regular session only once in every two years; and such meetings shall be on the first Wednesday after the first day of January.

Section 12. Until an apportionment and redistricting is made in accordance with the provisions of this article, the House of Representatives shall consist of one hundred fifty-five members, which shall be divided among the several counties of the state and the city of St. Louis as follows: The county of Buchanan shall have three; the county of Greene shall have three; the county of Jasper shall have three; the county of Jackson shall have eleven; the county of St. Louis shall have seven; the city of St. Louis shall have nineteen; and each of the other counties in the state shall have one.

Section 13. The presiding officer of the Senate shall be the President of the Senate and the Presiding Officer of the House shall be the Speaker of the House of Representatives. A joint committee of five members from each house shall direct the business and procedure of the two houses in accordance with this Constitution, the laws of the State, and the joint rules of the two houses. The General Assembly shall prescribe by law the number, duties and compensation of the other officers and employees of each house, and no pay shall be made from the state treasury, or be in any way authorized to any person except to an acting officer or employee elected or appointed in pursuance of law.

Section 14. The members of the General Assembly shall severally receive from the state treasury for their services a monthly salary of one hundred and twenty-five dollars per month, commencing as of January 1st next following their election, and upon certification by the Presi-

6 dent and Secretary of the Senate, and by the Speaker and
7 Chief Clerk of the House of Representatives as to the respec-
8 tive members thereof. The State Auditor is hereby directed
9 and empowered to audit and the State Treasurer to pay such
10 compensation without legislative enactment. The members
11 of either house shall also receive the sum of one dollar for
12 every ten miles they shall travel in going to and returning
13 from their place of meeting, once in each session, on the most
14 usual route.

Section 15. Writs of election to fill such vacancies as
2 may occur in either house of the General Assembly shall be
3 issued by the Governor.

Section 16. The sessions of each house shall be held
2 with open doors, except in cases which may require secrecy.

Section 17. Neither house shall, without the consent
2 of the other, adjourn for more than ten days at any one time,
3 nor to any other place than that in which the two houses
4 may be sitting.

REMARKS

The Legislative Department is the most far reaching of the three departments of government. The Judicial Department is dealing mainly with matters in the retrospect; the Executive Department is dealing with matters of immediate expediency and present concern; the Legislative Department has the responsibility of setting the policy for the future and its decisions result in action or inaction for decades to come.

It is believed that a bi-cameral General Assembly composed of thirty-four Senators and sixty-eight Representatives will distinctly improve the organization, quality and effective-

ness of the Legislative Department. A smaller membership in the House of Representatives will dignify the position, increase the prestige of the position, and facilitate deliberations.

A numerous lower house composed of one hundred fifty members is too large and unwieldy for efficiency, either in the consideration of the substance of bills or in the orderly procedure of consideration and passage. An assembly of one hundred fifty members requires lengthy roll calls, encourages the introduction of a large number of bills with frequent debates and lengthy speeches.

It is believed that the turn-over in the personnel of the lower house will decrease and that there will be more trained members. A trained membership of a smaller number of representatives will improve the personnel of committees, avoid unnecessary discussion and loss of time by reason of misdirected questions in committees.

A smaller membership in the lower house will discourage oversized committees and result in more careful deliberation.

With less confusion by reason of a smaller number of representatives, a more effective deliberative body with improved moral tone will be gained. Further increased legislative pay could properly be authorized by constitutional amendment without increased total expense to the state.

It is earnestly urged that the voter would understand that the representation in the lower house would be incumbent upon a smaller number of representatives and the voter would feel the responsibility of selecting from his district or subdistrict a representative of training and experience.

Other provisions of the minority report follow closely the present Constitution or the verbiage of Proposal 286. No material changes are included, except that amendments will be

offered with respect to Section 4 on apportionment and redistricting which will be designed to improve the present ineffective constitutional provision.

*G. D. CLAYTON, Jr.
V. E. PHILLIPS
M. E. FORD
JONES H. PARKER
Members

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*As to Sec. 3 only.

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FILE NO. 17

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE IV.

Reported from the Committee on Legislative Department.—No. 3, March 29, 1944, with recommendation that the Committee Substitute for Proposals Nos. 7, 8, 9, 10, 11, 47, 56, 72, 74, 75, 76, 91, 101, 102, 109, 110, 125, 139, Art. III of 142, 148, 149, 163, 164, 181, 189, 191, 215, 225, 251, 267, 271, 273, 276, 277, 286, 328, 345, 358, 360, 365, 367, 372, 373, 375 be adopted.

Taken up July 19, 1944.

Report adopted, as amended, including the omission of Sections 44, 46 and 47, and the transfer of Section 7 to File No. 21.

Referred to the Committee on Phraseology, Arrangement and Engrossment July 19, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 7, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE IV

LEGISLATIVE DEPARTMENT

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 17 respectfully reports that it has examined the report of Committee No. 3 on the Legislative Department, and all amendments thereto, and it herewith reports said file as adopted by the Convention on July 19, 1944, with its corrections as to phraseology, as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

FILE NO. 17

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE IV

LEGISLATIVE DEPARTMENT

As adopted by the Convention

ARTICLE IV

LEGISLATIVE DEPARTMENT

Representation and Apportionment

Section 1. The legislative power, SUBJECT TO THE INITIATIVE AND REFERENDUM AND TO THE LIMITATIONS HEREIN CONTAINED, shall be vested in a Senate and House of Representatives to be styled "The General Assembly of the State of Missouri".

Section 2. The House of Representatives shall consist of members TO BE CHOSEN EVERY SEC-

As suggested by the Committee

ARTICLE IV

LEGISLATIVE DEPARTMENT

Section 1. The legislative power shall be vested in a senate and house of representatives to be styled "The General Assembly of the State of Missouri".

(Changes. Omission of bold faced words and capitalization of "senate and house of representatives".)

Section 2. The house of representatives shall consist of members elected at each general election

OND YEAR BY THE QUALIFIED VOTERS OF THE SEVERAL COUNTIES and apportioned in the following manner: The ratio of representation shall be the whole number of the inhabitants of the state ACCORDING TO THE LAST DECENNIAL CENSUS OF THE UNITED STATES, divided by the number two hundred. Each county having one ratio, or less, shall BE ENTITLED TO one Representative; each county having two and a half times said ratio shall be entitled to two representatives; each county having four times said ratio shall BE ENTITLED TO three Representatives; each county having six times SUCH ratio shall BE ENTITLED TO four Representatives, and so on above that number, giving one additional member for every two and a half additional ratios. On the taking of each decennial census of the United States the secretary of state shall forthwith certify to the RESPECTIVE COUNTY COURTS OR BOARDS OF ELECTION COMMISSIONERS the number of representatives to which each county is entitled.

Section 3. When any county is entitled to more than one representative the county court, and in the City of St. Louis the body authorized by law to es-

and apportioned in the following manner. The ratio of representation shall be the whole number of the inhabitants of the state divided by the number two hundred. Each county having one ratio, or less, shall elect one representative; each county having two and a half times the ratio shall elect two representatives; each county having four times the ratio shall elect three representatives; each county having six times the ratio shall elect four representatives, and so on above that number giving one additional member for every two and a half additional ratios. On the taking of each decennial census of the United States, the secretary of state shall forthwith certify to the county courts, and to the body authorized to establish election precincts in the City of St. Louis, the number of representatives to be elected in the respective counties.

(Changes. Section rewritten. Omission of bold faced words.

Also see section 9 of this File.)

Section 3. When any county is entitled to more than one representative, the county court, and in the City of St. Louis the body authorized to establish

tablish election precincts, shall divide the county into districts of compact and contiguous territory, in each OF WHICH the qualified voters shall elect NOT MORE THAN one representative WHO SHALL BE A RESIDENT OF THE DISTRICT—THE POPULATION OF THE DISTRICTS TO BE PROPORTIONED TO THE NUMBER OF REPRESENTATIVES TO BE ELECTED THEREFROM.

election precincts, shall divide the county into districts of contiguous territory, as compact and nearly equal in population as may be, in each of which one representative shall be elected.

(Changes. Section rewritten. Omission of bold faced words.)

Section 4. NO PERSON SHALL BE A MEMBER OF THE HOUSE OF Representatives WHO SHALL NOT HAVE ATTAINED the age of twenty-four years, WHO SHALL NOT be a citizen of the United States, WHO shall NOT have been a qualified voter of this State two years, and an inhabitant of the county or district which he may be chosen to represent one year next before the day of his election, if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken.

Section 4. Each representative shall be twenty-four years of age, and next before the day of his election shall have been a qualified voter for two years and a resident of the county or district which he is chosen to represent for one year, if such county or district shall have been so long established, and if not, then of the county or district from which the same shall have been taken.

(Changes. Section rewritten with omission of bold faced words.)

Section 5. The senate shall consist of thirty-four members elected by the qualified voters of THEIR respective districts for four years. For the

Section 5. The senate shall consist of thirty-four members elected by the qualified voters of the respective districts for four years. For the election

election of senators the state shall be divided into convenient districts of contiguous territory, as compact and AS nearly equal in population as may be, AND in the making of districts composed of more than one county no county shall be divided.

Section 6. NO PERSON SHALL BE A Senator WHO SHALL NOT HAVE ATTAINED the age of thirty years, who SHALL NOT BE a citizen of the United States, who one year next before the day of his election SHALL NOT HAVE BEEN a qualified voter of this State three years, and an inhabitant of the district from which he may be chosen to represent, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken. When any county shall be entitled to more than one Senator, the County Court, and in the City of St. Louis the body authorized by law to establish election precincts shall CAUSE SUCH COUNTY TO BE SUBDIVIDED into districts of compact and contiguous territory, AND OF POPULATION AS NEARLY

of senators, the state shall be divided into convenient districts of contiguous territory, as compact and nearly equal in population as may be. No county shall be divided in the making of districts composed of more than one county.

(Changes. Substitution of "the" for "their", and omission of bold faced words.

Transposition of "no county shall be divided".)

Section 6. Each senator shall be thirty years of age, and next before the day of his election shall have been a qualified voter of the state for three years and a resident of the district which he is chosen to represent for one year, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken.

(Changes. First part of section 6 rewritten.)

Section 7. When any county is entitled to more than one senator the county court, and in the City of St. Louis the body authorized to establish election precincts, shall divide the county into districts of contiguous territory, as compact and nearly equal in population as may be, in each of which one senator shall be elected.

EQUAL AS MAY BE, corresponding in number with the Senators to which SUCH county may be entitled; AND IN EACH OF THESE ONE SENATOR, WHO SHALL BE A RESIDENT OF SUCH DISTRICT, SHALL BE ELECTED BY THE QUALIFIED VOTERS THEREOF.

(Note: Section 7 transferred by Convention to File No. 21.
Journal of July 18, 1944, page 7.)

(Changes. This is the last part of section 6 rewritten. Omission of bold faced words.)

Section 8. Until apportionment of the Representatives can be made in accordance with THE PROVISIONS OF this Article The House of Representatives shall consist of 154 members, WHICH SHALL BE DIVIDED among the several counties of the State as follows: The County of Buchanan shall have three; the County of Greene shall have three; the County of Jackson shall have eleven; the County of Jasper shall have three; the City of St. Louis shall have eighteen, and the County of St. Louis shall have seven, and each of the other counties in the State one.

Section 8. Until apportionment of the representatives can be made in accordance with this article, the house of representatives shall consist of one hundred fifty-four members apportioned among the several counties as follows: The County of Buchanan shall have three; the County of Greene shall have three; the County of Jackson shall have eleven; the County of Jasper shall have three; the City of St. Louis shall have eighteen, the County of St. Louis shall have seven, and each of the other counties shall have one.

(Changes. Substitution of words for the number 154, no capitalization, except names of counties. Substitution of "apportioned" for "divided". Addi-

tion of the words "shall have" before the word "one" in the last line.)

Section 9. The last decennial census of the United States shall be used in determining the population of senatorial and representative districts. Such districts may be altered from time to time as public convenience may require.

Section 9. The last decennial census of the United States shall be used in apportioning representatives and determining the population of senatorial and representative districts. Such districts may be altered from time to time as public convenience may require.

(Changes. The words "apportioning representatives and" added in lieu of words stricken out of section 2.)

Section 10. The first election of Senators and Representatives under this Constitution, shall be held at the General Election in the year one thousand nine hundred and forty-six when the whole number of Representatives and the Senators from the districts having even numbers, who shall compose the first class shall be CHOSEN, and two years thereafter the whole number of Representatives and the Senators from districts having odd numbers, who shall compose the second class, shall be elected, and so on at each succeeding general election.

Section 10. The first election of senators and representatives under this Constitution, shall be held at the general election in the year one thousand nine hundred and forty-six when the whole number of representatives and the senators from the districts having even numbers, who shall compose the first class, shall be elected, and two years thereafter the whole number of representatives and the senators from districts having odd numbers, who shall compose the second class, shall be elected, and so on at each succeeding general election.

Section 11. NO SENATOR OR REPRESENTATIVE DURING HIS INCUMBENCY IN OFFICE SHALL QUALIFY AND HOLD AN OFFICE OR EMPLOYMENT UNDER THE UNITED STATES, THIS STATE, OR ANY MUNICIPALITY THEREOF. No MEMBER OF CONGRESS OR person holding any lucrative office under the United States, OR this State or any municipality thereof, shall QUALIFY AS A MEMBER OF EITHER HOUSE OF THE GENERAL ASSEMBLY. Any senator or representative ACCEPTING AN OFFICE OR EMPLOYMENT UNDER THE UNITED STATES, THIS STATE, OR ANY MUNICIPALITY THEREOF, SHALL BE DEEMED TO HAVE RESIGNED AS A MEMBER OF THE GENERAL ASSEMBLY AND SHALL EXERCISE NO FURTHER RIGHTS THEREIN, NOR RECEIVE FURTHER COMPENSATION AS SUCH MEMBER. THE PROVISIONS OF THIS SECTION shall not apply to members of the organized militia or the Reserve Corps, members of school boards, and notaries public.

(Changes. No capitalization.
Substitution of "elected" for "chosen".)

Section 11. No person holding any lucrative office or employment under the United States, this state or any municipality thereof shall hold the office of senator or representative. When any senator or representative accepts any office or employment under the United States, this state or any municipality thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary as senator or representative. During the term for which he was elected no senator or representative shall accept any appointive office or employment under this state which is created or the emoluments of which are increased during such term. This section shall not apply to members of the organized militia, of the reserve corps and of school boards, and notaries public.

(Changes. Section rewritten with omission of capitalization and bold faced words, and substitution of other words.)

No member of the General Assembly shall during the TIME for which he was elected BE ELIGIBLE TO hold any appointive CIVIL office, or POSITION, under the authority of the State which shall have been created, or any appointive state CIVIL office or POSITION, the emoluments WHEREOF shall have been increased during such term.

Section 12. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

Section 12. If any senator or representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

(Changes. No changes except capitalization.)

Section 13. Writs of election to fill SUCH vacancies AS MAY OCCUR in either house of the General Assembly shall be issued by the Governor.

Section 13. Writs of election to fill vacancies in either house of the general assembly shall be issued by the governor.

(Changes. Omission of capitalization and bold faced words.)

Section 14. Every Senator or Representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affir-

Section 14. Every senator or representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affir-

mation: "I do solemnly swear, or affirm, that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law". The oath shall be administered in the halls of THEIR respective houses to the members thereof, by SOME judge of the Supreme Court or THE Circuit Court, or after the organization by the presiding officer of either house, and shall be filed in the Office of the Secretary of State. Any MEMBER OF EITHER HOUSE refusing to take said oath or affirmation shall be deemed to have THEREBY vacated his office, and any member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever THEREAFTER disqualified from holding any office of trust or profit in this State.

mation: "I do solemnly swear, or affirm, that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law". The oath shall be administered in the halls of the respective houses to the members thereof, by a judge of the supreme court or a circuit court, or after the organization by the presiding officer of either house, and shall be filed in the office of the secretary of state. Any senator or representative refusing to take said oath or affirmation shall be deemed to have vacated his office, any any member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever disqualified from holding any office of trust or profit in this state.

(Changes. Omission of capitalization and bold faced words. Substitution of "a" for "some" and "a" for "the". Substitution of "senator or representative" for "member of either house".)

Section 15. THE MEMBERS OF THE GENERAL ASSEMBLY shall SEVERALLY receive from the State Treasury FOR THEIR SERVICES A MONTHLY SALARY of one hundred and twenty-five dollars per month COMMENCING AS OF JANUARY 1st NEXT FOLLOWING THE ADOPTION OF THIS SECTION, and upon certification by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, as to the respective members thereof, the State Auditor IS HEREBY DIRECTED AND EMPOWERED TO audit and the State Treasurer TO pay such compensation without legislative enactment. THE MEMBERS OF EITHER HOUSE shall ALSO receive THE SUM OF one dollar ($1.00) for every ten miles THEY SHALL TRAVEL in going to and returning from their place of meeting, once in each session, on the most usual route.

Section 15. Senators and representatives shall receive from the state treasury as salary the sum of one hundred and twenty-five dollars per month, and upon certification by the president and secretary of the senate and by the speaker and chief clerk of the house of representatives as to the respective members thereof, the state auditor shall audit and the state treasurer shall pay such compensation without legislative enactment. Senators and representatives shall receive one dollar for every ten miles traveled in going to and returning from their place of meeting, once in each session, on the most usual route.

(Changes. Omission of capitalization. Substitution of "as salary" for "For their services a monthly salary". Omission of bold faced words, and figures.

Substitution of "Senators and representatives" for "The members of either house".)

Section 16. The House of Representatives shall not employ TO EXCEED 125 and the Senate shall not employ TO EXCEED 75 employees elective, appointive or any other at any time during any session.

Section 16. The house of representatives shall nor employ more than one hundred twenty-five and the senate shall not employ more than seventy-five employees elective, appointive or any other at any time during any session.

Section 17. Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days. or both, any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct; and, with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

Changes. Omission of capitalization. Substitution of words for figures, and of "more than" for "to exceed".)

Section 17. Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct; and, with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

(No changes.)

Section 18. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and for the fifteen days

next before the commencement and after the termination of each session; and they shall not be questioned for any speech or debate in either house in any other place.

(Changes. Change of section number from 21 to 18. Transposition of "for any speech or debate in either house".)

Section 18. A majority of the WHOLE NUMBER OF members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Section 19. The sessions of each house shall be held with open doors, except in cases which may require secrecy.

Section 20. The General Assembly shall meet in regular session ONCE IN EVERY TWO YEARS; AND SUCH MEETING SHALL BE on the first Wednesday after the first day of January, NEXT AFTER THE ELECTION OF THE MEMBERS THEREOF.

Section 19. The general assembly shall meet in regular sessions on the first Wednesday after the first day of January following each general election. A majority of the elected members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide. The sessions of each house shall be held with open doors, except in cases which may require secrecy. Neither house shall, without the consent of the other, adjourn for more than ten days at any one time, nor to any other place than that in which the two houses may be sitting.

(Changes. Consolidation of sections 18, 19, 20 and 22 which are rewritten with omission of capitali-

Section 21. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for the fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either house they shall not be questioned in any other place,

(See right column section 18).

Section 22. Neither house shall, without the consent of the other, adjourn for more than ten days at any one time, nor to any other place than that in which the two houses may be sitting.

LEGISLATIVE PROCEEDINGS

Section 23. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Missouri, as follows".

Section 24. No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.

zation and bold faced words, and substitution of "elected" for "whole number of" and of "following each general election" for "after the election of the members thereof".

LEGISLATIVE PROCEEDINGS

Section 20. The style of the laws of this state shall be: "Be it enacted by the General Assembly of the State of Missouri, as follows". No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose. Bills may originate in either house and may be amended or rejected by the

Section 25. Bills may originate in either house, and may be amended or rejected by the other; AND every bill shall be read by title on three different days in each house.

Section 26. Bills shall be referred to a committee of the house in which THE BILL is pending. One third of the elected members of either house shall have power to relieve a committee of further consideration of a bill and place the SAME on the calendar for consideration AT ANY TIME after THE BILL has been referred to the committee. Each committee shall keep such record of its proceedings as may be required by rule of each house and this record and the recorded vote of the members of the committee shall be filed with all reports on bills.

other. Every bill shall be read by title on three different days in each house.

(Changes. Consolidation of section 23, 24 and 25, with omission of bold faced AND in section 25).

Section 21. Every bill shall be referred to a committee of the house in which it is pending. After it has been referred to a committee, one third of the elected members of the respective houses shall have power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. Each committee shall keep such record of its proceedings as is required by rule of the respective houses and this record and the recorded vote of the members of the committee shall be filed with all reports on bills.

(Changes. Transposition of the words "after the bill has been referred to a committee".

Omission of bold faced words.

Substitution of "the respective houses" for "either house", "the respective houses" for "each house", "as is required" for "as may be required".)

Section 22. Committees may be selected as provided by the rules of the respective houses, but no committee of the senate shall be composed of more than ten members nor shall any committee of the house of representatives be composed of more than eighteen members, except the committee on appropriations which may consist of not more than twenty-four members. No member of either house shall be a member of more than four committees organized for the consideration of bills.

(Changes. Change section number from 39 to 22.

Substitution of words for the figure 24; no capitalization.)

Section 27. No bill (except general appropriation bills, which may embrace the various subjects and accounts for AND ON ACCOUNT OF which moneys are appropriated, and except bills passed under the third subdivision of section forty-four of this article) shall contain more than one subject, which shall be clearly expressed in its title.

Section 23. No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in section 9 of the article on state finance and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated.

(Changes. Section rewritten.)

Section 28. No bill shall be considered for final passage in either house until it, with all amendments thereto, has been printed and copies distributed among the members; AND no bill other than an appropriation bill shall be introduced in either house after the sixtieth legislative day of any regular session, unless consented to by a majority of the elected members of each house, or UNLESS the Governor shall by special message TO THE GENERAL ASSEMBLY request a consideration of the proposed legislation.

Section 29. If a bill passed by either house be returned thereto amended by the other the house to which the same is returned shall cause the amendment or amendments so received to be printed for the use of the members before final action on such amendments.

Section 24. No bill shall be considered for final passage in either house until it, with all amendments thereto, has been printed and copies distributed among the members. If a bill passed by either house be returned thereto, amended by the other, the house to which the same is returned shall cause the amendment or amendments so received to be printed and copies distributed among the members before final action on such amendments.

(Changes. Section 29 is interposed and made a part of this section in lieu of the second part of section 28.)

Section 25. No bill other than an appropriation bill shall be introduced in either house after the sixtieth legislative day of any regular session unless consented to by a majority of the elected members of each house or the governor shall request a consideration of the proposed legislation by a special message.

(Changes. This section has been transposed from the latter part of Section 28 which was adopted by the convention and made a separate section; omission of the bold faced words; transposition of "by a special message".)

Section 26. Each house shall publish a journal of its proceedings. The yeas and nays on any question shall be taken and entered on the journal on the motion of any five members. Whenever the yeas and nays are demanded, or required by this Constitution, the whole list of members shall be called and the names of the members voting yea and nay and the absentee shall be entered in the journal.

(Changes. Change of section number from 38 to 26. Omission of bold faced words; a rewriting of the last sentence to include the provisions of a part of section 31 which were omitted from the rewriting of Section 30 and 31.)

Section 30. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Section 27. No amendments to bills by one house shall be concurred in by the other, nor shall reports of committees of conference be adopted in either house, nor shall a bill be finally passed, unless a vote by yeas and nays be taken and a majority of the members elected to each house be recorded as voting favorably.

(Changes. A rewriting and consolidation of Sections 30 and 31. See also section 21, supra.)

Section 31. No amendment to bills by one house shall be concurred in by the other, except by a vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either house only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journal.

(Note: This section combined with Section 30.)

Section 32. No act shall be revived or re-enacted BY MERE REFERENCE TO THE TITLE THEREOF, BUT THE SAME shall be set forth at length, as if it were an original act. No act shall be amended by providing that designated words THEREOF be stricken out, or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof; but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended.

Section 28. No act shall be revived or re-enacted unless it shall be set forth at length as if it were an original act. No act shall be amended by providing that words be stricken out or inserted, but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended.

(Changes. Change of section number from 32 to 28. Omission of bold faced words. Substitution of the word "unless it" for "by mere reference to the title thereof, but the same".)

Section 33. No laws passed by the General Assembly, except an appropriation act, shall take effect OR GO INTO FORCE until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which EMERGENCY must be expressed in the preamble or in the body of the act), the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; SAID VOTE TO BE taken by yeas and nays AND ENTERED UPON THE JOURNAL. Provided, IN CASE the General Assembly recesses for thirty days or more, it may prescribe by joint resolution that ALL laws previously passed and not effective shall take effect ninety days from the beginning of such recess.

Section 29. No law passed by the general assembly shall take effect until ninety days after the adjournment of the session at which it was enacted, except an appropriation act or in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly shall otherwise direct by a two-thirds vote of the members elected to each house, taken by yeas and nays; provided, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess.

(Changes. Change of section number from 33 to 28. No capitalization of general assembly; omission of bold faced words: Transposition of "except an appropriation act"; change of section number from 33 to 29; substitution of "if" for "in case".)

Section 34. No bill shall become a law until THE SAME SHALL HAVE BEEN signed by the presiding officer of each OF THE TWO HOUSES in open session; AND BEFORE SUCH OFFICER

Section 30. No bill shall become a law until it is signed by the presiding officer of each house in open session, who first shall suspend all other business, declare that the bill shall now be read and that

SHALL AFFIX HIS SIGNATURE TO ANY BILL HE shall suspend all other business, declare that SUCH bill shall now be read and that if no objections be made he will sign the same TO THE END THAT IT MAY BECOME A LAW. If in either house any member shall object in writing to the SIGNATURE of a bill, SUCH objection shall be noted in the journal and THE ORIGINAL shall be annexed to the bill to be considered by the Governor in connection therewith.

Section 35. When THE bill has been signed, AS PROVIDED FOR IN THE PRECEDING SECTION, IT SHALL BE THE DUTY OF the Secretary OF THE SENATE, IF THE BILL ORIGINATED IN THE SENATE, AND OF THE Chief Clerk of the House OF REPRESENTATIVES, IF THE BILL ORIGINATED IN THE

if no objection be made he will sign the same. If in either house any member shall object in writing to the signing of a bill, the objection shall be noted in the journal and annexed to the bill to be considered by the governor in connection therewith. When a bill has been signed, the secretary, or the chief clerk, of the house in which the bill originated shall present the bill in person to the governor on the same day on which it was signed and enter the fact upon the journal.

(Changes. Section number changed from 34 to 30. Omission of bold faced words.

Substitution of "it" for "the same", "the" for "such", "house" for "houses".

Transposition of the first sentence of Section 35, as adopted by the Convention, to this section.)

Section 31. All bills and joint resolutions passed by both houses shall be presented to and considered by the governor, and within fifteen days after presentation he shall return them to the house of their origin endorsed with his approval or accompanied by his objections. If the bill be approved by the governor it shall become a law. When the

HOUSE, TO present the SAME in person on the SAME day on which it was signed AS AFORESAID, to the Governor, and enter the fact upon the journal. Every bill presented to the Governor, and returned within fifteen days to the house in which the same originated, WITH THE APPROVAL OF THE GOVERNOR, shall become a law UNLESS IT BE IN VIOLATION OF SOME PROVISION OF THIS CONSTITUTION. When the General Assembly SHALL adjourn or recess for a period of thirty days or more, the Governor may within forty-five days thereafter return any bill to the office of the Secretary of State with his approval or reasons for disapproval.

Section 36. Every bill presented as aforesaid, but returned WITHOUT THE APPROVAL OF THE GOVERNOR, AND with his objections THERETO, shall stand as reconsidered in the house to which it is returned. THE HOUSE SHALL CAUSE the objections of the Governor to be entered at large upon the journal, and proceed, at its convenience, to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Governor thereto notwithstanding?"

general assembly adjourns, or recesses for a period of thirty days or more, the governor may return within forty-five days any bill or resolution to the office of the secretary of state with his approval or reasons for disapproval.

(Changes. Change of section number from 35 to 31. Omission of capitalization. Section rewritten and consolidated with the provisions of Section 10 of File 16 and the transposition of the first sentence to Section 29.)

Section 32. Every bill presented to the governor and returned with his objections shall stand as reconsidered in the house to which it is returned. The objections of the governor shall be entered upon the journal and the house shall proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the governor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays and if two-thirds of the elected members

The vote upon this question shall be taken by yeas and nays, and THE NAMES ENTERED UPON THE JOURNAL, and if two-thirds of all the members elected to the house vote in the affirmative, the presiding officer of that house shall certify that fact on the roll, attesting the same by his signature, and send the bill, with the objections of the Governor, to the other house, in which like proceedings shall be had in relation thereto; AND IF THE BILL RECEIVE A LIKE MAJORITY OF THE VOTES OF ALL THE MEMBERS ELECTED TO THAT HOUSE, THE VOTE BEING TAKEN BY YEAS AND NAYS, THE PRESIDING OFFICER THEREOF SHALL, IN LIKE MANNER, CERTIFY THE FACT UPON THE BILL. The bill thus certified shall be deposited in the Office of the Secretary of State, as an authentic act, and shall become a law IN THE SAME MANNER AND WITH LIKE EFFECT AS IF IT HAD RECEIVED THE APPROVAL OF THE GOVERNOR.

Section 37. Whenever the Governor shall fail to return WITHIN THE TIME PRESCRIBED by this Constitution, a bill presented to him, the General Assembly may, by joint resolution, reciting the

of the house vote in the affirmative the presiding officer of that house shall certify that fact on the roll, attesting the same by his signature, and send the bill with the objections of the governor to the other house, in which like proceedings shall be had in relation thereto. The bill thus certified shall be deposited in the office of the secretary of state as an authentic act and shall become a law.

(Changes. Section number changed from 36 to 32. No capitalization, omission of bold faced words. Section rewritten.)

Section 33. Whenever the governor shall fail to return a bill presented to him as required by this Constitution, the general assembly by joint resolution reciting the fact of such failure and the bill at

fact of such failure and the bill at length, direct the Secretary of State to enroll the same as an authentic act, IN THE ARCHIVES OF THE STATE, AND SUCH ENROLLMENT SHALL HAVE THE SAME EFFECT AS AN APPROVAL BY THE GOVERNOR; provided, that such joint resolution shall not be submitted to the Governor for his approval.

Section 38. Each house shall FROM TIME TO TIME publish a journal of its proceedings, AND the yeas and nays on any question shall be taken and entered on the journal AT the motion of any five members. Whenever the yeas and nays are demanded, the whole list of members shall be called, and the names of the absentees shall be noted and published in the journal.

Section 39. Committees may be selected in the manner provided by the rules of the respective houses but no committee of the Senate shall be composed of more than ten members nor shall any committee of the House of Representatives be composed of more than eighteen members, except the Committee on Appropriations which may consist of not more length, may direct the secretary of state to enroll the bill as an authentic act and it shall become a law; provided, that such joint resolution shall not be submitted to the governor for his approval.

(Changes. Section number changed from 37 to 33. No capitalization; substitution of "and it shall become a law" for "such enrollment shall have the same effect as an approval by the governor"; substitution of "as required by this constitution" for "within the time prescribed by this constitution" and the transposition of the same.)

than 24 members, and no member of either house shall be a member of more than four committees organized for the consideration of bills.

Section 40. In the year 1949 and every ten years thereafter all the statute laws OF A general nature, BOTH CIVIL AND CRIMINAL, shall be revised, digested and promulgated IN SUCH MANNER AS THE GENERAL ASSEMBLY SHALL DIRECT. PROVIDED, HOWEVER, THAT no member of the General Assembly shall receive any compensation in addition to his salary as a member of the General Assembly for any services that he may render in connection with said revision.

Section 34. In the year 1949 and at least every ten years thereafter all general statute laws shall be revised, digested and promulgated as provided by law. No senator or representative shall receive any compensation in addition to his salary as a member of the general assembly for any services rendered in connection with said revision.

(Changes. Change section number from 40 to 34. Section rewritten. Omission of bold faced words. INSERTION OF "AT LEAST".)

Section 41. There shall be a permanent joint Committee on Legislative Research, THE MEMBERS OF WHICH SHALL BE selected by and from each house as provided by law. The General Assembly, by a majority vote of its members, may discharge any or all of the members of the Committee at any time and select their successors. The Committee may employ SUCH ASSISTANTS as MAY BE provided by law; AND SAID Com-

Section 35. There shall be a permanent joint committee on legislative research, selected by and from the members of each house as provided by law. The general assembly, by a majority vote of the elected members, may discharge any or all of the members of the committee at any time and select their successors. The committee may employ a staff as provided by law. The committee shall meet when necessary to perform the duties, advisory to

mittee shall meet AS OFTEN AS MAY BE necessary to perform such duties advisory to the General Assembly AS MAY BE assigned to it by law. The members of the Committee ON LEGISLATIVE RESEARCH shall receive no compensation in addition to THAT WHICH THEY RECEIVE as members of the General Assembly; but the members of said Committee may BE ALLOWED their necessary expenses while attending the meetings of the Committee.

the general assembly, assigned to it by law. The members of the committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses while attending the meetings of the committee.

(Changes. Section number changed from 41 to 35. No capitalization. Omission of bold faced words, insertion of "members of", substitution of "the elected" for "its", "a staff" for "such assistants", "when" for "as often as may be", "their salary" for "that which they receive", "receive" for "be allowed".)

LIMITATION ON LEGISLATIVE POWER

Section 43. All revenue collected and money received by the State FROM ANY SOURCE WHATSOEVER shall go into the treasury and the General Assembly shall have no power to divert the same or to permit the money to be withdrawn from the treasury, except in pursuance of REGULAR appropriations made by law. All appropriations of

LIMITATION ON LEGISLATIVE POWER

Section 36. All revenue collected and money received by the state shall go into the treasury and the general assembly shall have no power to divert the same or to permit the withdrawal of money from the treasury, except in pursuance of appropriations made by law. All appropriations of money by successive general assemblies shall be made in the following order:

money by successive General Assemblies shall be made in the following order:

First: For payment of sinking fund and interest on outstanding obligations of the State.

Second: For the purpose of public education.

Third: For the payment of the cost of assessing and collecting the revenue.

Fourth: For the payment of the civil lists.

Fifth: For the support of eleemosynary and other state institutions.

Sixth: For public health and public welfare.

Seventh: For all other state purposes.

Eighth: For the expenses AND PAY of the General Assembly.

(Note: Section 44 transferred by Convention to phraseology section 9 of File No. 14. Journals of July 10, 1944, page 6 and July 19, 1944, page 2.)

First: For payment of sinking fund and interest on outstanding obligations of the state.

Second: For the purpose of public education.

Third: For the payment of the cost of assessing and collecting the revenue.

Fourth: For the payment of the civil lists.

Fifth: For the support of eleemosynary and other state institutions.

Sixth: For public health and public welfare.

Seventh: For all other state purposes.

Eighth: For the expense of the general assembly.

(Changes. Change of section number from 43 to 36. Omission of bold faced words. Substitution of "the withdrawal of money" for "the money to be withdrawn". Omission of capitalization.)

Section 45. The General Assembly shall have NO power to give or to lend, or to authorize the giving or lending of the credit of the State in aid or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

(Note: Sections 46 and 47 transferred by Convention to phraseology sections 10 and 11 of File No. 14. Journals of July 10, 1944, page 6, and July 19, 1944, page 2.)

Section 48. The General Assembly shall have no power to grant, or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay nor authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without

Section 37. The general assembly shall not have power:

(1) to give or lend or to authorize the giving or lending of the credit of the state in aid or to any person, association, municipal or other corporation;

(2) to pledge the credit of the state for the payment of the liabilities, present or prospective, of any individual, association, municipal or other corporation;

(3) to grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor after service has been rendered or a contract has been entered into and performed in whole or in part;

(4) to pay or to authorize the payment of any claim against the state or any county or municipal corporation of the state under any agreement or contract made without express authority of law;

express authority of law; and all such agreements or contracts shall be null and void.

Section 49. The General Assembly shall have no power to release or extinguish, or authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual, to this State, or to any county or other municipal corporation therein.

Section 50. The General Assembly shall have no power to make any appropriation of money, or to issue any bonds or other evidences of indebtedness for the payment, or on account or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An Act to audit and adjust the war debt of the State", approved March 19, 1874, or any act of a similar nature, until after the claim so audited shall have been presented to and paid by the Government of the United States to the State of Missouri.

Section 51. The General Assembly shall not pass any local or special law:

(5) to release or extinguish or to authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual due this state or any county or municipal corporation;

(6) to make any appropriation of money for the payment, or on account of in recognition of any claims audited or that may hereafter be audited by virtue of any act entitled "An Act to audit and adjust the war debts of the State", approved March 19, 1874, or any act of a similar nature, until the claim so audited shall have been presented to and paid by the Government of the United States to this state;

(7) to act, when convened in extra session by the governor, upon subjects other than those specially designated in the proclamation calling said session or recommended by special message to the general assembly after the convening of an extra session;

(8) to remove the seat of government from the City of Jefferson.

(1) Authorizing the creation, extension or IMPAIRING of liens:

(2) Regulating the affairs of counties, cities, townships, WARDS or school districts:

(3) Changing the names of persons or places:

(4) Changing the venue in civil or criminal cases:

(5) Authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys:

(6) Relating to ferries or bridges, OR INCORPORATING FERRY OR BRIDGE COMPANIES, except for the erection of bridges crossing streams which form boundaries between this and any other state:

(7) Vacating roads, town plats, streets or alleys:

(8) Relating to cemeteries, graveyards or public grounds not of the State:

(9) Authorizing the adoption or legitimation of children:

(10) Locating or changing county seats:

(Changes. Section renumbered 37. A redraft and consolidation of sections 45, 48, 49, 50, 53 and 54.)

Section 38. The general assembly shall not pass any local or special law:

(1) authorizing the creation, extension or impairment of liens;

(2) granting divorces;

(3) changing the venue in civil or criminal cases;

(4) regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate·

(5) summoning or empaneling grand or petit juries;

(6) for limitation of civil actions;

(11) Incorporating cities, towns, or villages, or changing their charters:

(12) For THE opening and conducting elections, or fixing or changing the place of voting:

(13) Granting divorces:

(14) ERECTING new townships, or changing township LINES, or THE LINES of school districts:

(15) Creating offices, or prescribing the powers and duties of officers in counties, cities, townships, election or school districts:

(16) Changing the law of descent or succession:

(17) Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgment, or prescribing the effect of judicial sales of real estate:

(18) Regulating the fees or extending of powers AND DUTIES of aldermen, magistrates or constables:

(7) remitting fines, penalties and forfeitures or refunding money legally paid into the treasury;

(8) extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of their duties, or their securities from liability;

(9) changing the law of descent or succession;

(10) giving effect to informal or invalid wills or deeds;

(11) affecting the estates of minors or persons under disability;

(12) authorizing the adoption or legitimation of children;

(13) declaring any named person of age;

(14) changing the names of persons or places;

(15) vacating town plats, roads, streets or alleys;

(16) relating to cemeteries, graveyards or public grounds not of the state;

(19) Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes:

(20) Fixing the rate of interest:

(21) Affecting the estates of minors or persons under disability:

(22) Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

(23) EXEMPTING PROPERTY FROM TAXATION:

(24) Regulating labor, trade, mining or manufacturing:

(25) CREATING CORPORATIONS, OR AMENDING, RENEWING, EXTENDING OR EXPLAINING THE CHARTER THEREOF:

(26) Granting to any corporation, association or individual any special or exclusive right, privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:

(17) authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys;

(18) for opening and conducting elections, or fixing or changing the place of voting;

(19) locating or changing county seats;

(20) creating new townships or changing the boundaries of townships or school districts;

(21) creating offices, prescribing the powers and duties of officers in, or regulating the affairs of counties, cities, townships, election or school districts;

(22) incorporating cities, towns, or villages or changing their charters;

(23) regulating the fees or extending the powers of aldermen, magistrates or constables;

(24) regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes;

(27) Declaring any named person of age:

(28) Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes, from the due performance of their OFFICIAL duties, or their securities from liability:

(29) Giving effect to informal or invalid wills or deeds:

(30) Summoning or empaneling grand or petit juries:

(31) For limitation of civil actions:

(32) Legalizing the unauthorized or invalid acts of any officer or agent of the State, or of any county or municipality thereof. IN ALL OTHER CASES where a general law can be made applicable, NO LOCAL OR SPECIAL LAW SHALL BE ENACTED; and whether a general law could have been made applicable in any case is HEREBY DECLARED a judicial question, AND AS SUCH SHALL be judicially determined, without regard to any Legislative assertion on that subject:

(25) legalizing the unauthorized or invalid acts of any officer or agent of the state or of any county or municipality;

(26) fixing the rate of interest;

(27) regulating labor, trade, mining or manufacturing;

(28) granting to any corporation, association or individual any special or exclusive right, privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track;

(29) relating to ferries or bridges, except for the erection of bridges crossing streams which form the boundary between this and any other state;

(30) where a general law can be made applicable, and whether a general law could have been made applicable is a judicial question to be judicially determined without regard to any legislative assertion on that subject.

(33) Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed:

(Changes. Section number changed from 53 to 38. Section rewritten and rearranged. Omission of bold faced words.)

Section 39. The general assembly shall not indirectly enact a special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

(Changes. Transferred from the last part of section 51 as adopted by the Convention and made a new section.)

Section 52. No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, WHICH NOTICE SHALL STATE the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. THE EVIDENCE OF SUCH NOTICE HAVING BEEN PUBLISHED SHALL BE EXHIBITED IN the General Assembly before

Section 40. No local or special law shall be passed unless a notice, setting forth the intention to apply therefor and the substance of the contemplated law, shall have been published in the locality where the matter or thing to be affected is situated at least thirty days prior to the introduction of the bill into the general assembly and in the manner provided by law. Proof of publication shall be filed with the general assembly before the act shall be passed and the notice shall be recited in the act.

such act shall be passed, and the notice shall be recited in the act ACCORDING TO ITS TENOR.

(Changes. Section number changed from 52 to 40. Section rewritten.)

Section 53. The General Assembly shall have no power, when convened in extra session by the Governor, to act upon subjects other than those specially designated in the proclamation by which the session is called, or recommended by special message to its consideration by the Governor after it shall have been convened.

(This section combined with section 37).

Section 54. The General Assembly shall have no power to remove the seat of Government of this State from the City of Jefferson.

(This section combined with section 37.)

ALROY S. PHILLIPS
FRANK B. WILLIAMS
THOS. C. HENNINGS, SR.
JAMES E. SATER
HOWARD C. POTTER
RICHARD S. RIGHTER
ALLEN McREYNOLDS

ENGROSSED

FILE NO. 17

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE IV.

Reported from the Committee on Legislative Department.—No. 3, March 29, 1944, with recommendation that the Committee Substitute for Proposals Nos. 7, 8, 9, 10, 11, 47, 56, 72, 74, 75, 76, 91, 101, 102, 109, 110, 125, 139, Art. III of 142, 148, 149, 163, 164, 181, 189, 191, 215, 225, 251, 267, 271, 273, 276, 277, 286, 328, 345, 358, 360, 365, 367, 372, 373, 375, be adopted.

Taken up July 19, 1944.

Report adopted, as amended, including the omission of Sections 44, 46, and 47, and the transfer of Section 7 to File No. 21.

Referred to the Committee on Phraseology, Arrangement and Engrossment July 19, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 7, 1944.

Read second time September 18, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 17, ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment September 18, 1944.

Engrossed File No. 17 reported from the Committee on Phraseology, Arrangement and Engrossment September 18, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE IV

LEGISLATIVE DEPARTMENT

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 17, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on September 18, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman.

ENGROSSED FILE NO. 17

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE IV

LEGISLATIVE DEPARTMENT

Present Constitution	Engrossed File	Origin
ARTICLE IV LEGISLATIVE DEPARTMENT	ARTICLE IV LEGISLATIVE DEPARTMENT	
Section 1. Legislative power vested in General Assembly.—The legislative power, subject to the limitations herein contained, shall be vested in a Senate and House of Representatives, to be styled "The General Assembly of the State of Missouri."	Section 1. The legislative power shall be vested in a senate and house of representatives to be styled "The General Assembly of the State of Missouri".	Section 1.
REPRESENTATION AND APPORTIONMENT.		
Sec. 2. Representatives, term, apportionment.—The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and ap-	Section 2. The house of representatives shall consist of members **elected at each general election** and apportioned in the following manner. The ratio of representation shall be the whole	Section 2. Last sentence new. See U. S. Code, Title 2, sections 2(a)-(c).

portioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio shall be entitled to two Representatives; each county having four times said ratio shall be entitled to three Representatives; each county having six times such ratio shall be entitled to four Representatives, and so on above that number, giving one additional member for every two and a half additional ratios.

Sec. 3. Counties, division of into districts.—When any county shall be entitled to more than one Representative, the county court shall cause such county to be subdivided into districts of compact and contiguous territory, corresponding in number to the Representatives to which such county is entitled, and in population as nearly equal as may be, in each of which the qualified voters shall elect one Representative, who shall be a resident of

number of the inhabitants of the state divided by the number two hundred. Each county having one ratio, or less, shall **elect** one representative; each county having two and a half times the ratio shall **elect** two representatives; each county having four times the ratio shall **elect** three representatives; each county having six times the ratio shall **elect** four representatives, and so on above that number giving one additional member for every two and a half additional ratios. **On the taking of each decennial census of the United States, the secretary of state shall forthwith certify to the county courts, and to the body authorized to establish election precincts in the City of St. Louis, the number of representatives to be elected in the respective counties.**

Section 3. When any county is entitled to more than one representative, the county court, **and in the City of St. Louis the body authorized to establish election precincts,** shall divide the county into districts of contiguous territory, as compact and nearly equal in population as may be, **in each of which one representative shall be elected.**

Section 3.

such district: *Provided*, That when any county shall be entitled to more than ten Representatives, the circuit court shall cause such county to be subdivided into districts, so as to give each district not less than two nor more than four Representatives, who shall be residents of such district—the population of the districts to be proportioned to the number of Representatives to be elected therefrom.

Sec. 4. Representatives—qualifications.—No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State two years, and an inhabitant of the county or district which he may be chosen to represent one year next before the day of his election, if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election.

Section 4. Each representative **shall be** twenty-four years of age, and next before the day of his election shall have been a qualified voter for two years and **a resident** of the county or district which he is chosen to represent for one year, if such county or district shall have been so long established, and if not, then of the county or district from which the same shall have been taken.

Section 4.

Sec. 5. Senators, number—term—senatorial districts.—The Senate shall

Section 5. The senate shall consist of thirty-four members elected by the

Sections 5 and 9.

consist of thirty-four members, to be chosen by the qualified voters of their respective districts for four years. For the election of Senators the State shall be divided into convenient districts, as nearly equal in population as may be, the same to be ascertained by the last decennial census taken by the United States.

qualified voters of the respective districts for four years. For the election of senators, the state shall be divided into convenient districts of contiguous territory, **as compact** and nearly equal in population as may be. No county shall be divided in the making of districts composed of more than one county.

Sec. 6. Senators, qualifications—counties divided, when.—No person shall be a Senator who shall not have attained the age of thirty years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State three years, and an inhabitant of the district which he may be chosen to represent one year next before the day of his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election. When any county shall be entitled to more than one Senator, the circuit court shall cause such county to be subdivided into districts of compact and contiguous territory, and of population as nearly equal as may be, corresponding in number with the Senators to

Section 6. Each senator **shall be** thirty years of age, and next before the day of his election shall have been a qualified voter of the state for three years and **a resident** of the district which he is chosen to represent for one year, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken.

Section 6. (First sentence).

Section 7. When any county is entitled to more than one senator the county court, **and in the City of St. Louis the body authorized to establish election precincts,** shall divide the county into districts of contiguous territory, as compact and nearly equal in population as may be, in each **of which** one senator shall be elected.

Section 6. (Last sentence.)

which such county may be entitled; and in each of these one Senator, who shall be a resident of such district, shall be elected by the qualified voters thereof.

Sec. 8. Representatives, number of until apportionment.—Until an apportionment of Representatives can be made in accordance with the provisions of this article, the House of Representatives shall consist of one hundred and forty-three members, which shall be divided among the several counties of the State as follows: The county of St. Louis shall have seventeen; the county of Jackson four; the county of Buchanan three; the counties of Franklin, Greene, Johnson, Lafayette, Macon, Marion, Pike and Saline, each two, and each of the other counties in the State one.

Section 8. Until apportionment of the representatives can be made in accordance with this article, the house of representatives shall consist of one hundred **fifty-four** members **apportioned** among the several counties as follows: The County of Buchanan shall have three; the County of Greene shall have **three;** the County of Jackson shall have **eleven;** the County of Jasper shall have **three;** the City of St. Louis shall have **eighteen,** the County of St. Louis shall have **seven,** and each of the other counties shall have one.

Section 8.

Sec. 9. Districts, alteration, contiguity.—Senatorial and Representative districts may be altered, from time to time, as public convenience may require. When any Senatorial district shall be composed of two or more counties, they shall be contiguous; such districts to be as compact as may be, and in the formation of the same no county shall be divided.

Section 9. The last decennial census of the United States shall be used in apportioning representatives and determining the population of **senatorial** and representative districts. Such districts may be altered from time to time as public convenience may require.

Section 9 and Section 2.

Sec. 10. Senators and Representatives, when elected.—The first election of Senators and Representatives, under this Constitution, shall be held at the general election in the year one thousand eight hundred and seventy-six, when the whole number of Representatives, and the Senators from the districts having odd numbers, who shall compose the first class, shall be chosen; and in one thousand eight hundred and seventy-eight, the Senators from the districts having even numbers, who shall compose the second class, and so on at each succeeding general election, half the Senators provided for by this Constitution shall be chosen.

Sec. 11. Senatorial districts.—Until the State shall be divided into Senatorial districts, in accordance with the provisions of this article, said districts shall be constituted and numbered as follows:

The First District shall be composed of the counties of Andrew, Holt, Nodaway and Atchison.

Second District—The counties of Buchanan, DeKalb, Gentry and Worth.

Third District—The counties of Clay, Clinton and Platte.

Section 10. The first election of senators and representatives under this Constitution, shall be held at the general election in the year one thousand **nine hundred and forty-six** when the whole number of representatives and the senators from the districts having even numbers, who shall compose the first class, shall be **elected,** and **two years thereafter** the whole number of representatives and the senators from districts having odd numbers, who shall compose the second class, **shall be elected,** and so on at each succeeding general election

Section 10.

Redistricting omitted under Resolution No. 103, Journal of September 5, 1944, pages 32-33.

Fourth District—The counties of Caldwell, Ray, Daviess and Harrison.

Fifth District—The counties of Livingston, Grundy, Mercer and Carroll.

Sixth District—The counties of Linn, Sullivan, Putnam and Chariton.

Seventh District—The counties of Randolph, Howard and Monroe.

Eighth District — The counties of Adair, Macon and Schuyler.

Ninth District—The counties of Audrain, Boone and Callaway.

Tenth District—The counties of St. Charles and Warren.

Eleventh District—The counties of Pike, Lincoln and Montgomery.

Twelfth District—The counties of Lewis, Clark, Scotland and Knox.

Thirteenth District—The counties of Marion, Shelby and Ralls.

Fourteenth District—The counties of Bates, Cass and Henry.

Fifteenth District—The county of Jackson.

Sixteenth District—The counties of Vernon, Barton, Jasper, Newton and McDonald.

Seventeenth District—The counties of Lafayette and Johnson.

Eighteenth District—The counties of Greene, Lawrence, Barry, Stone and Christian.

Nineteenth District—The counties of Saline, Pettis and Benton.

Twentieth District—The counties of Polk, Hickory, Dallas, Dade, Cedar and St. Clair.

Twenty-first District—The counties of Laclede, Webster, Wright, Texas, Douglas, Taney, Ozark and Howell.

Twenty-second District—The counties of Phelps, Miller, Maries, Camden, Pulaski, Crawford and Dent.

Twenty-third District—The counties of Cape Girardeau, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Scott.

Twenty-fourth District—The counties of Iron, Madison, Bollinger, Wayne, Butler, Reynolds, Carter, Ripley, Oregon and Shannon.

Twenty-fifth District—The counties of Franklin, Gasconade and Osage.

Twenty-sixth District—The counties of Washington, Jefferson, St. Francois, Ste. Genevieve and Perry.

Twenty-eighth District—The counties of Cooper, Moniteau, Morgan and Cole.

St. Louis county shall be divided into seven districts, numbered respectively as follows:

Twenty-seventh, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third and Thirty-fourth.

Sec. 12. Members of General Assembly cannot hold other offices—certain officers not eligible.—No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office under this State, or any municipality thereof; and no member of Congress or person holding any lucrative office under the United States, or this State, or any municipality thereof (militia officers, justices of the peace and notaries public excepted), shall be eligible to either house of the General Assembly, or remain a member thereof, after having accepted any such office or seat in either house of Congress.

Section 11. No person holding any lucrative office or employment under the United States, this state or any municipality thereof **shall hold the office of** senator or representative. **When any senator or representative accepts any office or employment under the United States, this state or any municipality thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary as senator or representative. During the term for which he was elected no senator or representative shall accept any appointive office or employment under this state which is created or the emoluments of which are increased during such term. This section shall not apply to members of the** organized militia, **of the reserve corps and of school boards,** and notaries public.

Section 12. U. S. Constitution, article 1, section 6.

Sec. 13. Office vacated by removal of residence.—If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

Section 12. If any senator or representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

Section 13.

Sec. 14. Writs of election to fill vacancy.—Writs of election to fill such vacancies as may occur in either house of the General Assembly shall be issued by the Governor.

Section 13. Writs of election to fill vacancies in either house of the general assembly shall be issued by the governor.

Section 14.

Sec. 15. Oath of office, where administered, refusal to take, violation of. Every Senator and Representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office; and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law." The oath shall be administered in the halls of their respective houses, to the members thereof, by some judge of the Supreme court, or the circuit court, or the county court

Section 14. Every senator or representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law". The oath shall be administered in the halls of the respective houses to the members thereof, by a judge of the supreme court or a circuit court, or after the organization by the presiding officer of either house, and

Section 15.

of Cole county, or after the organization by the presiding officer of either house, and shall be filed in the office of the Secretary of State. Any member of either house refusing to take said oath or affirmation shall be deemed to have thereby vacated his office, and any member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever thereafter disqualified from holding any office of trust or profit in this State.

shall be filed in the office of the secretary of state. Any senator or representative refusing to take said oath or affirmation shall be deemed to have vacated his office, and any member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever disqualified from holding any office of trust or profit in this state.

AMENDMENT OF 1942

Section 16. The members of the General Assembly shall severally receive from the State Treasury for their services a monthly salary of one hundred and twenty-five dollars per month commencing as of January 1st next following the adoption of this Section, and upon certification by the President and Secretary of the Senate, and by the speaker and chief clerk of the House of Representatives, as to the respective members thereof, the State Auditor is hereby directed and empowered to audit and the State Treasurer to pay such compensation without legislative enactment. The members of either house shall also receive the sum of one dollar ($1.00) for every ten miles they shall travel in going

Section 15. **Senators and representatives** shall receive from the state treasury **as** salary the sum of one hundred and twenty-five dollars per month, and upon certification by the president and secretary of the senate and by the speaker and chief clerk of the house of representatives as to the respective members thereof, the state auditor shall audit and the state treasurer shall pay such compensation without legislative enactment. **Senators and representatives** shall receive one dollar for every ten miles **traveled** in going to and returning from their place of meeting, once in each session, on the most usual route.

Section 16 of Amendment of 1942.

to and returning from their place of meeting, once in each session, on the most usual route.

CONSTITUTION OF 1875.

Sec. 16a. Assembly clerks shall not exceed seventy-five in either house.—Neither house of the General Assembly shall employ to exceed in all 75 employees, elective, appointive, or any other, at any time during any session.

Section 16. **The house of representatives** shall not employ more than **one hundred twenty-five** and **the senate** shall not employ more than seventy-five employees elective, appointive or any other at any time during any session.

Section 16 (a).

Section 17. Organization and rules—may punish members and other persons.—Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct, and, with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

Section 17. Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct; and, with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

Section 17.

ARTICLE XIV		
Sec. 12. Members General Assembly not to be arrested, when—freedom of debate.—Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either house they shall not be questioned in any other place.	Section 18. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and for the fifteen days next before the commencement and after the termination of each session; and they shall not be questioned for any speech or debate in either house in any other place.	Section 12 of Article XIV.
ARTICLE IV		
Sec. 18. Majority a quorum, absent members.—A majority of the whole number of members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.	Section 19. The general assembly shall meet in regular sessions on the first Wednesday after the first day of January **following each general election.** A majority of the **elected** members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide. The sessions of each house shall be held with open doors, except in cases which may require secrecy. Neither house shall, without the consent of the other, adjourn for more than ten days at	Sections 18, 19, 20 and 23. (Note. Sections 21 and 22 were repealed by the Amendment of 1942).
Sec. 19. Sessions must be public.—The sessions of each house shall be held with open doors, except in cases which may require secrecy.		
Sec. 20. Time of meeting—biennial sessions.—The General Assembly elected		

in the year one thousand eight hundred and seventy-six shall meet on the first Wednesday after the first day of January, one thousand eight hundred and seventy-seven; and thereafter the General Assembly shall meet in regular session once only in every two years; and such meeting shall be on the first Wednesday after the first day of January next after the elections of the members thereof.

Sec. 23. Adjournments — consent, when required.—Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than that in which the two houses may be sitting.

any one time, nor to any other place than that in which the two houses may be sitting.

LEGISLATIVE PROCEEDINGS

Sec. 24. Style of laws — enacting clause.—The style of the laws of this State shall be: "*Be it enacted by the General Assembly of the State of Missouri, as follows.*"

Sec. 25. Laws passed by bills, extent of amendments.—No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.

LEGISLATIVE PROCEEDINGS

Section 20. The style of the laws of this state shall be: "Be it enacted by the General Assembly of the State of Missouri, as follows". No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose. Bills may originate in either house and may be amended or rejected by the other. Every bill shall be read **by title** on three different days in each house.

Sections 24, 25 and 26.

Sec. 26. Origin of bills—must be read on three days.—Bills may originate in either house, and may be amended or rejected by the other; and every bill shall be read on three different days in each house.

Section 21. **Every bill shall be referred to a committee of the house in which it is pending. After it has been referred to a committee, one third of the elected members of the respective houses shall have power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. Each committee shall keep such record of its proceedings as is required by rule of the respective houses and this record and the recorded vote of the members of the committee shall be filed with all reports on bills.**

New Section. Compare with Sec. 27 (printed opposite engrossed section 24, infra.)

Section 22. **Committees may be selected as provided by the rules of the respective houses, but no committee of the senate shall be composed of more than ten members nor shall any committee of the house of representatives be composed of more than eighteen members, except the committee on appropriations which may consist of not more than twenty-four members. No member of either house shall be a**

New Section.

member of more than four committees organized for the consideration of bills.

Sec. 28 . Bills must contain but one subject—exceptions—title.—No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and except bills passed under the third subdivision of section forty-four of this article) shall contain more than one subject, which shall be clearly expressed in its title.

Section 23. No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third **exception in section 9 of the article on state finance** and general appropriation bills, which may embrace the various subjects and accounts **for which** moneys are appropriated.

Section 28.

Sec. 27. Bills must be reported and printed.—No bill shall be considered for final passage unless the same has been reported upon by a committee and printed for the use of the members.

Section 24. No bill shall be considered for final passage in either house until it, with all amendments **thereto,** has been printed and copies distributed among the members. If a bill passed by either house be returned thereto, amended by the other, the house to which the same is returned shall cause the amendment or amendments so received to be printed and copies distributed among the members before final action on such amendments.

Sections 27, 29 and 30.

Sec. 29. Printing of bills—record of proceedings.—All amendments adopted by either house to a bill pending and originating in the same shall be incorporated in the bill, and the bill as agreed to shall, before third reading and final passage, be printed for the use of the members. The printing of bills ordered to third reading and final passage shall be under the supervision of a committee, whose report shall set forth that they find the printed copy of such bill as theretofore agreed to and furnished for

the use of the members is correct. A correct record of each day's proceedings in each house shall be furnished for the use of the members of the General Assembly before the record is approved, and no bill shall be signed by the presiding officer of either house until such printed copy thereof shall have been furnished for the use of the members of the General Assembly and the record of the previous day shall have been approved. When agreed to by both houses, the bill as finally passed shall be typed or printed and signed by the presiding officer of each house and transmitted to the Governor.

Sec. 30. Proceedings when bills passed by one house are amended by the other.—If a bill passed by either house be returned thereto, amended by the other, the house to which the same is returned shall cause the amendment or amendments so received to be printed under the same supervision as provided in the next preceding section, for the use to the members before final action on such amendments.

Section 25. **No bill other than an appropriation bill shall be introduced in either house after the sixtieth legislative day of any regular session unless**

New Section.

	consented to by a majority of the elected members of each house or the governor shall request a consideration of the proposed legislation by a special message.	
Sec. 42. Journal of each house published—yeas and nays taken on demand—absentees noted.—Each house shall, from to time to time, publish a journal of its proceedings, and the yeas and nays on any question shall be taken and entered on the journal at the motion of any two members. Whenever the yeas and nays are demanded, the whole list of members shall be called, and the names of the absentees shall be noted and published in the journal.	Section 26. Each house shall publish a journal of its proceedings. The yeas and nays on any question shall be taken and entered on the journal on the motion of any five members. Whenever the yeas and nays are demanded, or **required by this Constitution,** the whole list of members shall be called **and the names of the members voting yea and nay** and the absentee shall be entered in the journal.	Section 42. See Section 29 (printed opposite engrossed section 24, supra.)
Sec. 31. Final vote on bills, yeas and nays.—No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor. **Sec. 32. Vote on amendments and reports of conference committees.**—No amendment to bills by one house shall be concurred in by the other, except by a vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and	Section 27. No amendments to bills by one house shall be concurred in by the other, nor shall reports of committees of conference be adopted in either house, nor shall a bill **be finally passed,** unless a vote by yeas and nays be taken and a majority of the members elected to each house be recorded as voting favorably.	Sections 31 and 32.

against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either house only by a vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journal.

Sec. 33. Act revived or re-enacted, how.—No act shall be revived or re-enacted by mere reference to the title thereof, but the same shall be set forth at length, as if it were an original act.

Sec. 34. Act amended, how.—No act shall be amended by providing that designated words thereof be stricken out, or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof; but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended.

Sec. 35. Motion to reconsider—bill on final passage.—When a bill is put upon its final passage in either house, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken,

Section 28. No act shall be revived or reenacted unless it shall be set forth at length as if it were an original act. No act shall be amended by providing that words be stricken out or inserted, but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended.

Sections 33 and 34.

Omitted in Report of Committee No. 3 without explanation.

and the subject finally disposed of before the house proceeds to any other business.

AMENDMENT OF 1942.

Section 36. Laws take effect, when—emergency, vote required.—No law passed by the General Assembly, except appropriation acts, shall take effect or go into force until ninety days after enactment and approval thereof as otherwise provided by this Article, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act), the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journal.

CONSTITUTION OF 1875.

Sec. 37. Bills signed by presiding officers — members may object — proceedings.—No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session; and before such officer shall affix his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that, if no objections be made, he

Section 36 as amended in 1942.

Section 29. No law passed by the general assembly shall take effect until ninety days **after the adjournment of the session at which it was enacted,** except an appropriation act or in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly shall otherwise direct by a two-thirds vote of the members elected to each house, taken by yeas and nays; **provided, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess.**

Sections 37 and 38.

Section 30. No bill shall become a law until **it is** signed by the presiding officer of each house in open session, **who first** shall suspend all other business, declare that the bill **shall** now be read and that if no objection be made he will sign the same. If in either house any member shall object in writing **to the signing of a bill,** the objection shall be noted in the journal

will sign the same to the end that it may become a law. The bill shall then be read at length, and if no objection be made, he shall, in presence of the house, in open session, and before any other business is entertained, affix his signature, which fact shall be noted on the journal and the bill immediately sent to the other house. When it reaches the other house, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceedings shall thereupon be observed, in every respect, as in the house in which it was first signed. If in either house any member shall object that any substitution, omission or insertion has occurred, so that the bill proposed to be signed is not the same in substance and form as when considered and passed by the house, or that any particular clause of this article of the Constitution has been violated in its passage, such objection shall be passed upon by the house, and if sustained, the presiding officer shall withhold his signature; but if such objection shall not be sustained, then any five members may embody the same, over their signatures, in a written protest, under oath, against the signing of the bill. Said protest, when offered in the house, shall be noted and annexed to the bill to be considered by the governor in connection therewith. When a bill has been signed, the secretary, or the chief clerk, of the house in which the bill originated shall present the bill in person to the governor on the same day on which it was signed and enter the fact upon the journal.

upon the journal, and the original shall be annexed to the bill to be considered by the Governor in connection therewith.

Sec. 38. Bills presented to Governor for approval.—When the bill has been signed, as provided for in the preceding section, it shall be the duty of the Secretary of the Senate, if the bill originated in the Senate, and of the Chief Clerk of the House of Representatives, if the bill originated in the House, to present the same in person, on the same day on which it was signed as aforesaid, to the Governor, and enter the fact upon the journal. Every bill presented to the Governor, and returned within ten days to the house in which the same originated, with the approval of the Governor, shall become a law, unless it be in violation of some provision of this Constitution.

ARTICLE V.

Sec. 12. Governor's duty as to bills and joint resolutions presented to him.—The Governor shall consider all bills and joint resolutions, which, having been passed by both houses of the General Assembly, shall be presented to him. He shall, within ten days after the same shall

Section 31. All bills and joint resolutions passed by both houses shall be presented to and considered by the governor, and within **fifteen** days **after presentation** he shall return them to the house **of their origin** endorsed with his approval or accompanied by his objec-

Section 12 of Article V.

have been presented to him, return to the house in which they respectively originated, all such bills and joint resolutions, with his approval indorsed thereon, or accompanied by his objections: *Provided*, That if the General Assembly shall finally adjourn within ten days after such presentation, the Governor may, within thirty days thereafter, return such bills and resolutions to the office of the Secretary of State, with his approval or reasons for disapproval.

ARTICLE IV

Sec. 39. Proceedings when a bill is returned without approval.—Every bill presented as aforesaid, but returned without the approval of the Governor, and with his objections thereto, shall stand as reconsidered in the house to which it is returned. The house shall cause the objections of the Governor to be entered at large upon the journal, and proceed, at its convenience, to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Governor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays, and the names entered upon the journal, and if two-thirds of all the members elected to the house vote in the affirmations. **If the bill be approved by the governor it shall become a law.** When the general assembly adjourns, or recesses for a period of thirty days or more, the governor may return within **forty-five** days any bill or resolution to the office of the secretary of state with his approval or reasons for disapproval.

Section 39.

Section 32. Every bill presented to the governor and returned with his objections shall stand as reconsidered in the house to which it is returned. The **objections** of the governor **shall be entered** upon the journal and the house shall proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the governor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays and if two-thirds of the elected members of the house vote in the affirmative the presiding officer of that house shall certify that fact on the roll, attesting the same by his signature, and send the bill with the

ative, the presiding officer of that house shall certify that fact on the roll, attesting the same by his signature, and send the bill, with the objections of the Governor, to the other house, in which like proceedings shall be had in relation thereto; and if the bill receive a like majority of the votes of all the members elected to that house, the vote being taken by yeas and nays, the presiding officer thereof shall, in like manner, certify the fact upon the bill. The bill thus certified shall be deposited in the office of the Secretary of State, as an authentic act, and shall become a law in the same manner and with like effect as if it had received the approval of the Governor.

objections of the governor to the other house, in which like proceedings shall be had in relation thereto. The bill thus certified shall be deposited in the office of the secretary of state as an authentic act and shall become a law.

Section 40.

Sec. 40. Failure of Governor to approve or return bill—proceedings.—Whenever the Governor shall fail to perform his duty, as prescribed in section 12, article V of this Constitution, in relation to any bill presented to him for his approval, the General Assembly may, by joint resolution, reciting the fact of such failure and the bill at length, direct the Secretary of State to enroll the same as an authentic act, in the archives of the State, and such enrollment shall have the same effect as an approval by the Governor: *Provided*, That such joint resolu-

Section 33. Whenever the governor shall fail to return a bill presented to him as required **by this Constitution,** the general assembly by joint resolution reciting the fact of such failure and the bill at length, may direct the secretary of state to enroll the bill as an authentic act and it shall become a law; provided, that such joint resolution shall not be submitted to the governor for his approval.

tion shall not be submitted to the Governor for his approval.

Sec. 41. Laws shall be revised, when. In the year 1939 and every ten years thereafter all the statute laws of a general nature, both civil and criminal, shall be revised, digested and promulgated in such manner as the General Assembly shall direct: *Provided*, that after the expiration of 70 days of such revision sessions no measure other than appropriation bills and such bills as the General Assembly may determine by an express statement therein contained to be revision bills shall be considered by the General Assembly, except such as may be recommended by special message to its consideration by the Governor: *Provided further*, that all revision bills shall take effect and be otherwise considered as are other bills.

Section 34. In the year 1949 and **at least** every ten years thereafter all general statute laws shall be revised, digested and promulgated **as provided by law. No senator or representative shall receive any compensation in addition to his salary as a member of the general assembly for any services rendered in connection with said revision.**

Section 35. **There shall be a permanent joint committee on legislative research, selected by and from the members of each house as provided by law. The general assembly, by a majority vote of the elected members, may discharge any or all of the members of the committee at any time and select their successors. The committee may employ a staff as provided by law. The committee shall meet when necessary to perform the duties, advisory to the general assembly, assigned to it by law. The members of the committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses while attending the meetings of the committee.**

Section 41.

New Section. See Laws of 1943, page 633.

LIMITATION ON LEGISLATIVE POWER

Sec. 43. Appropriations, order of, must be by law—revenue to go into treasury.—All revenue collected and moneys received by the State from any source whatsoever shall go into the treasury, and the General Assembly shall have no power to divert the same, or to permit money to be drawn from the treasury, except in pursuance of regular appropriations made by law. All appropriations of money by the successive General Assemblies shall be made in the following order:

First, For the payment of all interest upon the bonded debt of the State that may become due during the term for which each General Assembly is elected.

Second, For the benefit of the sinking fund, which shall not be less annually than two hundred and fifty thousand dollars.

Third, For free public school purposes.

Fourth, For the payment of the cost of assessing and collecting the revenue.

Fifth, For the payment of the civil list.

Sixth, For the support of the eleemosynary institutions of the State.

LIMITATION ON LEGISLATIVE POWER

Section 36. All revenue collected and money received by the state shall go into the treasury and the general assembly shall have no power to divert the same or to permit the withdrawal of money from the treasury, except in pursuance of appropriations made by law. All appropriations of money by successive general assemblies shall be made in the following order:

First: For payment of sinking fund and interest on outstanding obligations of the state.

Second: For the **purpose of public education.**

Third: For the payment of the cost of assessing and collecting the revenue.

Fourth: For the payment of the civil lists.

Fifth: For the support of eleemosynary and other state institutions.

Sixth: **For public health and public welfare.**

Seventh: **For all other state purposes.**

Eighth: For **the expense of** the general assembly.

Section 43.

Seventh, For the pay of the General Assembly, and such other purposes not herein prohibited as it may deem necessary; but no General Assembly shall have power to make any appropriation of money for any purpose whatsoever, until the respective sums necessary for the purposes in this section specified have been set apart and appropriated, or to give priority in its action to a succeeding over a preceding item as above enumerated.

(For Sec. 44 see opposite engrossed section 7 of File No. 14.)

Sec. 45. State's credit not to be loaned.—The General Assembly shall have no power to give or to lend, or to authorize the giving or lending of the credit of the State in aid of or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever: *Provided*, That the General Assembly shall have the power to appropriate from funds in the State sinking fund, being the proceeds of the tax authorized under section 14 of article X of the Constitution, to an amount not exceeding one million dollars

Section 37. The general assembly shall not have power:

(1) to give or lend or to authorize the giving or lending of the credit of the state in aid or to any person, association, municipal or other corporation;

(2) to pledge the credit of the state for the payment of the liabilities, present or prospective, of any individual, association, municipal or other corporation;

Section 45.

Section 45.

for the exhibition of the resources, products and industries of the state in the centennial celebration of the Louisiana purchase in the city of St. Louis.

(For Sections 46, 47 and 47a. see opposite engrossed section 10 of File No. 14.)

Sec. 48. Extra pay to public officers, agents, etc., and payment of unauthorized contracts prohibited.—The General Assembly shall have no power to grant, or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay nor authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

(For Section 48(a) see engrossed section 11 of File No. 14.)

Sec. 49. State stock subscriptions prohibited.—The General Assembly shall have no power hereafter to subscribe or authorize the subscription of stock on behalf of the State, in any corporation or

(3) to grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor after service has been rendered or a contract has been entered into and performed in whole or in part;

Section 48.

(4) to pay or to authorize the payment of any claim against the state or any county or municipal corporation of the state under any agreement or contract made without express authority of law;

Section 48.

Omitted in Report of Committee No. 3 without explanation.

association, except for the purpose of securing loans heretofore extended to certain railroad corporations by the State.

Sec. 50. State liens on railroads, not to be released.—The General Assembly shall have no power to release or alienate the lien held by the State upon any railroad, or in anywise change the tenor or meaning, or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

Sec. 51. Release of debts to State, county or municipality prohibited.—The General Assembly shall have no power to release or extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State, or to any county or other municipal corporation therein.

Sec. 52. War debt, payment of.—The General Assembly shall have no power to make any appropriation of money, or to issue any bonds or other evidences of indebtedness for the payment, or on account or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled

(5) to release or extinguish or to authorize the releasing or extinguishing, in whole or in part, **without consideration,** the indebtedness, liability or obligation of any corporation or individual due this state or any county or municipal corporation;

Sections 50 and 51.

(6) to make any appropriation of money for the payment, or on account of in recognition of any claims audited or that may hereafter be audited by virtue of any act entitled "An Act to audit and adjust the war debts of the State", approved March 19, 1874,

Section 52.

"An act to audit and adjust the war debt of the State," approved March 19, 1874, or any act of a similar nature, until after the claims so audited shall have been presented to and paid by the Government of the United States to the State of Missouri.	or any act of a similar nature, until the claim so audited shall have been presented to and paid by the Government of the United States to this state;	
Sec. 55. Extra sessions, power limited. The General Assembly shall have no power, when convened in extra session by the Governor, to act upon subjects other than those specially designated in the proclamation by which the session is called, or recommended by special message to its consideration by the Governor after it shall have been convened.	(7) to act, when convened in extra session by the governor, upon subjects other than those specially designated in the proclamation **calling** said session or recommended by special message to the general assembly after **the convening** of an extra session;	Section 55.
Sec. 56. Capital not to be removed.—The General Assembly shall have no power to remove the seat of government of this State from the City of Jefferson.	(8) to remove the seat of government from the City of Jefferson.	Section 56.
Sec. 53. Special and local laws prohibited.—The General Assembly shall not pass any local or special law:	Section 38. The general assembly shall not pass any local or special law:	Section 53.
(1) Authorizing the creation, extension or impairing of liens:	(1) authorizing the creation, extension or **impairment** of liens;	Sub-sec. (1).
(13) Granting divorces:	(2) granting divorces;	Sub-sec. (13).
(4) Changing the venue in civil or criminal cases:	(3) changing the venue in civil or criminal cases;	Sub-sec. (4).

(17) Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate:	(4) regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;	Sub-sec. (17).
(30) Summoning or empaneling grand or petit juries:	(5) summoning or empaneling grand or petit juries;	Sub-sec. (30).
(31) For limitation of civil actions:	(6) for limitation of civil actions;	Sub-sec. (31).
(22) Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:	(7) remitting fines, penalties and forfeitures or refunding money legally paid into the treasury;	Sub-sec. (22).
(28) Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of their official duties, or their securities from liability:	(8) extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of their duties, or their securities from liability;	Sub-sec. (28).
(16) Changing the law of descent or succession:	(9) changing the law of descent or succession;	Sub-sec. (16).
(29) Giving effect to informal or invalid wills or deeds:	(10) giving effect to informal or invalid wills or deeds;	Sub-sec. (29).

(21) Affecting the estates of minors or persons under disability:	(11) affecting the estates of minors or persons under disability;	Sub-sec. (21).
(9) Authorizing the adoption or legitimation of children:	(12) authorizing the adoption or legitimation of children;	Sub-sec. (9).
(27) Declaring any named person of age:	(13) declaring any named person of age;	Sub-sec. (27).
(3) Changing the names of persons or places:	(14) changing the names of persons or places;	Sub-sec. (3).
(7) Vacating roads, town plats, streets or alleys:	(15) vacating town plats, roads, streets or alleys;	Sub-sec. (7).
(8) Relating to cemeteries, graveyards or public grounds not of the State:	(16) relating to cemeteries, graveyards or public grounds not of the state;	Sub-sec. (8).
(5) Authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys:	(17) authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys;	Sub-sec. (5).
(12) For the opening and conducting of elections, or fixing or changing the places of voting:	(18) for opening and conducting elections, or fixing or changing the **place** of voting;	Sub-sec. (12).
(10) Locating or changing county seats:	(19) locating or changing county seats;	Sub-sec. (10).
(14) Erecting new townships, or changing township lines, or the lines or school districts:	(20) **creating** new townships or changing the **boundaries** of townships or school districts;	Sub-sec. (14).
(2) Regulating the affairs of counties, cities, townships, wards or school districts:	(21) creating offices, prescribing the powers and duties of officers in, or regulating the affairs of coun-	Sub-secs. (2) and (15).

(15) Creating offices, or prescribing the powers and duties of officers in counties, cities, townships, election or school districts:	ties, cities, townships, election or school districts;	
(11) Incorporating cities, towns or villages, or changing their charters:	(22) incorporating cities, towns, or villages or changing their charters;	Sub-sec. (11).
(18) Regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:	(23) regulating the fees or extending the powers of aldermen, magistrates or constables;	Sub-sec. (18).
(19) Regulating the management of public schools, the building or repairing of schoolhouses and the raising of money for such purposes:	(24) regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes;	Sub-sec. (19).
(32) Legalizing the unauthorized or invalid acts of any officer or agent of the State, or of any county or municipality thereof. In all other cases where a general law can be made applicable, no local or special law shall be enacted; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined, without regard to any legislative assertion on that subject.	(25) legalizing the unauthorized or invalid acts of any officer or agent of the state or of any county or municipality;	Sub-sec. (32). (First sentence).
(20) Fixing the rate of interest:	(26) fixing the rate of interest;	Sub-sec. (20).

(24) Regulating labor, trade, mining or manufacturing:	(27) regulating labor, trade, mining or manufacturing;	Sub-sec. (24).
(26) Granting to any corporation, association or individual any special or exclusive right, privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:	(28) granting to any corporation, association or individual any special or exclusive right, privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track;	Sub-sec. (26).
(6) Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State:	(29) relating to ferries or bridges, except for the erection of bridges crossing streams which form the boundary between this and any other state;	Sub-sec. (6). (For omission of ferry and bridge companies see Engrossed Section 2 of File No. 9).
	(30) where a general law can be made applicable, and whether a general law could have been made applicable is a judicial question to be judicially determined without regard to any legislative assertion on that subject.	Last sentence of Sub-sec. 32 (printed opposite engrossed sub-section 25, supra.)
(23) Exempting property from taxation:		Omitted. See engrossed section 6 of File No. 19.
(25) Creating corporations, or amending, renewing, extending or explaining the charter thereof:		Omitted. See engrossed section 2 of File No. 9.
(33) Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general	Section 39. The general assembly shall not indirectly enact a special or local law by the partial repeal of a	Sec. 38(33).

law; but laws repealing local or special acts may be passed.

Sec. 54. Local and special laws, notice of.—No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed, and the notice shall be recited in the act according to its tenor.

general law; but laws repealing local or special acts may be passed.

Section 40. No local or special law shall be passed unless a notice, **setting forth** the intention to apply therefor and the substance of the contemplated law, shall have been published in the locality where the matter or thing to be affected is situated at least thirty days prior to the introduction of the bill into the general assembly and in the manner provided by law. **Proof of publication** shall **be filed with** the general assembly before the act shall be passed and the notice shall be recited in the act.

Section 54.

ALROY S. PHILLIPS
Chairman

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FILE NO. 18

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

NEW ARTICLE

Reported from the Committee on Highways.—No. 14, March 30, 1944, with recommendation that the Committee Substitute for Proposals Nos. 113, 186, 244, 322 be adopted.

R. E. L. MARRS, Secretary.

REPORT OF COMMITTEE ON HIGHWAYS—NO. 14.

Mr. President:

Your Committee on Highways—No. 14, to which was referred Proposals Nos. 113, 186, 244, and 322, begs leave to report that it has carefully considered the same, and as a substitute for and in lieu of all above numbered proposals, recommends its Committee Substitute as follows:

ARTICLE ——.

HIGHWAYS.

BE IT RESOLVED THAT THE FOLLOWING SHALL BECOME A PART OF THE CONSTITUTION OF MISSOURI IN LIEU OF PRESENT ARTICLE IV, SECTION 44a:

Section 1. There shall be a State Highway Commission,
2 the number, selection, compensation and tenure of whose
3 members shall be provided by law, except that not more than
4 one half of its members shall belong to the same political

5 party, which Commission shall have authority over the
6 operation of the State Highway Department, including the
7 selection and dismissal of employees which shall be without
8 regard to political affiliation. Said Commission shall also
9 have authority over and power to locate, relocate, design,
10 construct, reconstruct, and maintain all state highways,
11 and regulate access to, from, and across state highways
12 where the public interest and safety may require.

Section 2. For the purpose of constructing and main-
2 taining an adequate system of connected State Highways all
3 state revenue derived from highway users as an incident to
4 their use or right to use the highways of the state, including
5 all state license fees and taxes upon motor vehicles, trailers,
6 and motor vehicle fuels, and upon, with respect to, or on the
7 privilege of the manufacture, receipt, storage, distribution,
8 sale or use thereof (excepting the sales tax on motor vehicles
9 and trailers, and all property taxes,) less the cost, (1) of
10 collection thereof, (2) of maintaining the State Highway
11 Commission, (3) of maintaining the State Highway Depart-
12 ment, (4) of any Workmen's Compensation, (5) of the State
13 Highway Department's share of any retirement program
14 for state employees as may be provided by law, (6) and of
15 administering and enforcing any state motor vehicle laws
16 or traffic regulations, shall be credited to a special fund and
17 stand appropriated without legislative action for the fol-
18 lowing purposes, and no other:

19 First, to the payment of the principal and interest on
20 any outstanding state road bonds.

21 Second, any balance in excess of the amount necessary
22 to meet the payment of the principal and interest of any
23 state road bonds for the next succeeding twelve months shall
24 be credited to the state road fund and shall be expended
25 under the supervision and direction of the State Highway
26 Commission for the following purposes:

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(1) To complete and widen or otherwise improve and maintain the state system of highways heretofore designated and laid out under existing laws;

(2) To reimburse the various counties and political or civil subdivisions of the state, except incorporated cities and towns, for money expended by them in the construction or acquisition of roads and bridges now or hereafter taken over by the state as permanent parts of the system of state highways to the extent of the value to the state of such roads and bridges at the time taken over, not exceeding in any case the amount expended by such counties and subdivisions in the construction or acquisition of such roads and bridges, except that the State Highway Commission may, in its discretion, repay, or agree to repay, any cash advanced by a county or subdivision to expedite state road construction or improvement;

(3) In the discretion of the Commission to locate, relocate, establish, acquire, construct and maintain the following:

(a) supplementary state highways and bridges in each county of the state as hereinafter provided;

(b) state highways and bridges in, to and through state parks, public areas and reservations, and state institutions now or hereafter established, and connect the same with the state highways, and also national, state or local parkways, travelways, or tourways, with coordinated facilities;

(c) any tunnel or interstate bridge or part thereof, where necessary to connect the state highways of this state with those of other states;

(d) any highway within the state when necessary to comply with any federal law or requirement

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61 which is or shall become a condition to the
62 receipt of federal funds;
63 (e) any highway in any city or town which is found
64 necessary as a continuation of any state or
65 federal highway, or any connection therewith,
66 into and through such city or town; and
67 (f) additional state highways, bridges and tunnels,
68 outside the corporate limits of cities having a
69 population in excess of 150,000, either in the
70 congested traffic areas of the state or where
71 needed to facilitate and expedite the movement
72 of through traffic.

73 (4) To acquire materials, equipment and buildings
74 necessary for the purposes herein described; and
75 (5) For such other purposes and contingencies relating
76 and appertaining to the construction and mainte-
77 nance of such highways and bridges as the State
78 Highway Commission may deem necessary and
79 proper.

Section 3. Any state highway authorized herein to be
2 located in any municipality may be constructed without
3 limitations concerning the distance between houses or other
4 buildings abutting such highway or concerning the width
5 or type of construction. The State Highway Commission
6 may enter into contracts with cities, counties or other civil
7 subdivisions for and concerning the maintenance of, and
8 regulation of traffic on any state highway within such cities,
9 counties or subdivisions.

Section 4. The funds which are allotted by the State
2 Highway Commission to the construction or acquisition of
3 supplementary state highways and bridges in each of the
4 counties of the state shall be apportioned to the several
5 counties as follows: One-fourth in the ratio that the area

of each county bears to the area of the state, one-fourth in the ratio of the population, and two-fourths on such basis as the Commission may deem to be for the best interest of highway users; provided the areas and population of cities having a population of 150,000 or more shall not be considered in making such apportionment, and the latest available United States decennial census shall be used; provided further that if traffic on any supplementary state highway becomes such that a higher type than ordinary supplementary highway construction shall be required, then the State Highway Commission may construct such higher type and charge such extra cost to unallotted state highway funds. Supplementary State highways shall be selected by mutual agreement of the State Highway Commission and the local officials having charge of or jurisdiction over roads in the territory through which such supplementary state highways are to be constructed.

Section 5. The State Highway Commission shall have such authority as may be granted by the General Assembly to locate, relocate, establish, acquire, construct, maintain and control state public ground facilities for air craft, provided funds therefor, other than the state road funds, are made available.

Section 6. All bonds heretofore issued under authority of, or the validity of which was recognized by, Article IV, Section 44a, of the previous Constitution, which remain unpaid shall continue valid obligations of the state of Missouri and shall be paid according to the tenor thereof. It shall, therefore, be the duty of the state auditor, annually, on or before the first day of July, to determine the rate of taxation necessary to raise the amount of money needed for that year to pay the principal and interest maturing in the next succeeding year, taking into consideration available funds, delinquencies and the cost of collection. The auditor

12 shall annually certify the rate of taxation so determined
13 to the clerk of the county court of each county, and to the
14 assessor or other officer in the City of St. Louis whose duty
15 it may be to make up and certify the tax books wherein are
16 extended the state taxes. It shall be the duty of said clerks
17 and the said assessor or other proper officer in the City of
18 St. Louis to extend upon the tax books the taxes to be col-
19 lected and certify the same to the collector of revenue of
20 their respective counties and of the City of St. Louis, who
21 shall collect such taxes at the same time and in the same
22 manner and by the same means as are now or may hereafter
23 be provided by law for the collection of state and county
24 taxes, and pay the same into the state treasury.

Respectfully submitted,

E. A. DUENSING, Chairman
GEO. D. CLAYTON, Jr.
WILLIAM CLARK
O. D. DOWNES
KIRK JONES
P. M. MARR
JOE J. MANLOVE
BERT MILLER
VICTOR M. PITNEY
WILLIAM T. ROBINSON
EDWARD M. STAYTON
CLEM F. STORCKMAN

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ENGROSSED

FILE NO. 18

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

NEW ARTICLE.

Reported from the Committee on Highways.—No. 14, March 30, 1944, with recommendation that the Committee Substitute for Proposals Nos. 113, 186, 244, 322 be adopted.

Taken up August 23, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 23, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 13, 1944.

Read 2nd time September 18, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 18 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment, September 18, 1944.

Engrossed File No. 18 reported from the Committee on Phraseology, Arrangement and Engrossment September 19, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE —

DEPARTMENT OF HIGHWAYS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 18, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on September 18, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman.

ENGROSSED FILE NO. 18

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE —

DEPARTMENT OF HIGHWAYS

Present Constitution	Engrossed File	Origin
ARTICLE IV	ARTICLE — DEPARTMENT OF HIGHWAYS	
Sec. 44a. Providing for state highway system.—In addition to the exceptions made and created in section 44, the General Assembly shall, for the purpose of locating, establishing, acquiring, constructing, widening and improving hard-surfaced public highways in the State and in each county thereof, and of acquiring materials therefor and for the purpose of locating and constructing bridges across the rivers and waters of the State and of participating in the construction of toll-free, interstate bridges, have the power to contract or authorize to contracting of a	Section 1. The department of highways **shall be in charge of** a highway commission. **The number, qualifications, compensation and terms of the members of the commission shall be fixed by law, and not more than one-half of its members shall be of the same political party. The selection and removal of all employees shall be without regard to political affiliation. It shall have authority over** and power to locate, **relocate, design** and maintain **all** state highways; and authority to construct and **reconstruct** state highways, **subject to limitations and conditions imposed**	Section 44a, first, third, fifth, eighth, eleventh and sixteenth paragraphs. See Sections 8742-87 R. S. 1939.

debt or liability on behalf of the State and to issue bonds or other evidences of indebtedness therefor not exceeding in the aggregate one hundred and thirty-five millions of dollars—said aggregate being inclusive of the sixty millions of dollars heretofore authorized and issued for the construction of hard-surfaced public highways—such bonds to bear interest at a rate not exceeding five per centum per annum, payable semi-annually and maturing not later than thirty-five years from the date such bonds bear.

Said bonds shall be issued by the State Board of Fund Commissioners in such amounts, from time to time, as the State Highway Commission shall determine, not exceeding in any one calendar year the amount of twenty-five million dollars par value.

The proceeds of the sale of the seventy-five million dollars ($75,000,000) of additional bonds herein authorized shall be expended under the direction and supervision of the State Highway Commission for the following purposes: To complete and widen or otherwise improve the state system of primary and secondary highways as designated and laid out under existing law; to reimburse the various counties and **by law as to the manner and means of exercising such authority; and authority to limit access to, from and across state highways where the public interest and safety may require, subject to such limitations and conditions as may be imposed by law.**

Section 2. For the purpose of constructing and maintaining an adequate system of connected state highways all state revenue **derived from highway users as an incident to their use or right to use the highways of the state,** including all state license fees and taxes upon motor vehicles, **trailers,** and motor vehicle fuels, and upon, with respect to, or on the privilege of the **manufacture, receipt, storage, distribution,** sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes,) less the cost, (1) of collection thereof, (2) of maintaining the commission, (3) of maintaining the highway department, (4) **of any workmen's compensation,** (5) **of the share of the highway department in any retirement program for state employees as may be provided by law,** (6) and of administering and enforcing any state motor vehicle laws or traffic regulations, shall be credited to a special fund and stand appropriated without legislative

Sec. 44a, first, fourth, fifth, seventh, ninth and eleventh paragraphs.

political or civil subdivisions (including road districts) of the State for money expended by them in the construction or acquisition of roads and bridges now or hereafter taken over by the State as permanent parts of the state highway system to the extent of the value to the State of such roads and bridges at the time taken over, not exceeding in any case the amount expended by such counties or subdivisions in the construction or acquisition of such roads and bridges; to construct other state highways and bridges, and to widen or otherwise improve existing state highways and bridges in the congested traffic areas adjacent to the cities of St. Louis and Kansas City; to locate, establish, acquire and construct supplementary state highways and bridges, as hereinafter provided, in each county of the State, in addition to those state highways and bridges designated and laid out under existing law, and to acquire materials therefor.

The said bonds and the interest that will accrue thereon shall be paid out of a fund to be provided by the levy and collection of a direct annual tax upon all taxable property in the State. All state motor vehicle registration fees, license taxes or taxes authorized by law on action **for the following purposes, and no other:**

First, to the payment of the principal and interest **on any outstanding state road bonds.**

Second, any balance in excess of the amount necessary to meet the payment of the **principal** and interest of any state road bonds for the next succeeding **twelve months** shall be credited to the state road fund and shall be expended under the supervision and direction of the commission for the following purposes:

(1) To complete and widen or otherwise improve and maintain the state system of **highways heretofore** designated and laid out under existing laws;

(2) To reimburse the various counties and **other** political subdivisions of the state, **except incorporated cities and towns,** for money expended by them in the construction or acquisition of roads and bridges, now or hereafter taken over by the state as permanent parts of the system of state highways, to the extent of the value to the state of such roads and bridges at the time taken over,

motor vehicles (except the property tax on motor vehicles and state license fees or taxes on motor vehicle common carriers) and also all state taxes on the sale or use of motor vehicle fuels authorized by law, less the expense of the collection of such registration fees and license taxes on motor vehicles and taxes on the sale or use of motor vehicle fuels and less also the cost of maintaining the State Highway Department and the State Highway Commission and the cost of administering and enforcing any state motor vehicle law or traffic regulation shall, after the issuance of any of said bonds and so long as any of said bonds herein authorized remain unpaid, be and stand appropriated without legislative action, to the payment of the principal and interest of the said bonds and for that purpose shall be credited to the State Road Bond Interest and Sinking Fund provided by law. If in any year there should be any balance in the State Road Bond Interest and Sinking Fund beyond the requirements of the next succeeding calendar year for interest and sinking fund of the said bonds, such balance shall be transferred and credited to the State Road Fund to be administered and expended under the direction and supervision of the not exceeding in any case the amount expended by such counties and subdivisions in the construction or acquisition of such roads and bridges, **except that the commission may, in its discretion, repay, or agree to repay, any cash advanced by a county or subdivision to expedite state road construction or improvement;**

(3) In the discretion of the commission to locate, re-locate, establish, acquire, construct and maintain the following:

(a) supplementary state highways and bridges in each county of the state as hereinafter provided;

(b) state highways and bridges in, to and through state parks, **public areas** and **reservations, and state institutions** now or hereafter established, and connect the same with the state highways; **and also national, state or local parkways, travelways, or tourways, with coordinated facilities;**

(c) **any tunnel or interstate** bridge **or part thereof, where necessary**

State Highway Commission for the following purposes: To complete and widen or otherwise improve, and maintain the state system of primary and secondary highways as designated and laid out under existing law; to reimburse the various counties and political or civil subdivisions (including road districts) of the State for money expended by them in the construction or acquisition of roads and bridges now or hereafter taken over by the State as permanent parts of the state highway system to the extent of the value to the State of such roads and bridges at the time taken over, not exceeding in any case the amount expended by such counties or subdivisions in the construction or acquisition of such roads and bridges; to construct and maintain other state highways and bridges, and to widen or otherwise improve existing state highways and bridges in the congested traffic areas adjacent to the cities of St. Louis and Kansas City; to locate, establish, acquire, construct, and maintain, as hereinafter provided, supplementary state highways and bridges in each county of the State, in addition to those state highways and bridges designated and laid out under existing law, and to acquire

to connect the **state highways of this state with those of other states**;

(d) **any highway within the state when necessary to comply with any federal law or requirement which is or shall become a condition to the receipt of federal funds**;

(e) **any highway in any city or town which is found necessary as a continuation of any state or federal highway, or any connection therewith, into and through such city or town**; and

(f) additional state highways, bridges **and tunnels,** outside the corporate limits of cities having a population in excess of 150,000, **either** in the congested traffic areas of the state **or where needed to facilitate and expedite the movement of through traffic.**

(4) To acquire materials, **equipment and buildings** necessary for the purposes herein described; and

(5) For such other purposes and contingencies relating and appertaining to the construction and maintenance

materials therefor, and for such other purposes and contingencies relating and appertaining to the construction and maintenance of such highways and bridges as the State Highway Commission may deem proper.

After the principal and interest of all of said bonds shall have been paid, all state motor vehicle registration fees, license fees or taxes, authorized by law, on motor vehicles (except the property tax on motor vehicles and state license fees or taxes on motor vehicle common carriers) and also all state taxes on the sale or use of motor vehicle fuels, authorized by law, less the expense of the collection of such registration fees and license taxes on motor vehicles and taxes on the sale or use of motor vehicle fuels and less also the cost of maintaining the State Highway Department and the State Highway Commission and the cost of administering and enforcing any state motor vehicle law or traffic regulation, shall be and stand appropriated without legislative action to the State Road Fund, to be administered and expended under the direction and supervision of the State Highway Commission for the purposes and in the manner hereinbefore set forth.

of such highways and bridges as the commission may deem necessary and proper.

Section 3. **Any state highway authorized herein to be located in any municipality may be constructed without limitations concerning the distance between houses or other buildings abutting such highway or concerning the width or type of construction. The commission may enter into contracts with cities, counties or other political subdivisions for and concerning the maintenance of, and regulation of traffic on any state highway within such cities, counties or subdivision.**

New Section.

Section 4. The funds which are allotted by the commission to the construction or acquisition of supplementary state highways and bridges in each of the counties of the state shall be apportioned to the several counties as follows: **One-fourth** in the ratio that the area of each county bears to the area of the state, **one-fourth** in the ratio of the population, **and two-fourths on such basis as the commission may deem to be for the best interest of highway users;** provided the areas and population of cities **having a population of 150,000** or more shall not be considered

Sec. 44a, seventh and eighth paragraphs.

It shall be the duty of the State Auditor, annually, on or before the first day of July, to determine the rate of taxation necessary to raise the amount of money needed for that year to pay the principal and interest maturing in the next succeeding year, taking into consideration available funds, delinquencies and the cost of collection. The Auditor shall annually certify the rate of taxation so determined to the Clerk of the County Court of each county, and to the assessor or other officer in the City of St. Louis whose duty it may be to make up and certify the tax books wherein are extended the state taxes. It shall be the duty of said clerks and the said assessor or other proper officer in the City of St. Louis to extend upon the tax books the taxes to be collected and certify the same to the Collector of Revenue of their respective counties and of the City of St. Louis, who shall collect such taxes at the same time and in the same manner and by the same means as are now or may hereafter be provided by law for the collection of state and county taxes, and pay the same into the State Treasury.

The funds which are herein required to be alloted by the State Highway Commission to the construction of sup- in making such apportionment, and the latest available United States decennial census shall be used; **provided further, that if traffic on any supplementary state highway becomes such that a higher type than ordinary supplementary highway construction shall be required, then the commission may construct such higher type and charge such extra cost to unallotted state highway funds.** Supplementary state highways **shall be selected** by mutual agreement of the commission and the local officials having charge of or jurisdiction over roads in the territory through which such supplementary state highways are to be constructed.

Section 5. **The commission shall have such authority as may be granted by law to locate, relocate, establish, acquire, construct, maintain and control state public ground facilities for air craft, provided funds therefor, other than the state road funds, are made available.**

New Section.

Section 6. **All bonds issued under or recognized by section 44a of article IV of the previous Constitution, which remain unpaid shall be valid obligations of the state and shall be paid according to the tenor thereof.** On or before the

Section 44a, first, second, third, sixth, eleventh and fifteenth paragraphs.

plementary state highways and bridges in each of the counties of the State, in addition to other state highways and bridges, shall be apportioned to the counties on the basis of area and population, by dividing into two equal parts such portion of said funds as may at any time be alloted by the Commission; and one such part thereof shall be apportioned to all of the counties of the state, exclusive of the cities of St. Louis and Kansas City, in the ratio that the area of each county bears to the area of the whole state, exclusive of the cities of St. Louis and Kansas City; and the other part thereof shall be apportioned to the counties in the ratio that the population thereof (exclusive of said cities) bears to the population of the entire state, exclusive of said cities; and the apportionment according to population shall be computed according to the census of the Government of the United States for the year nineteen hundred twenty (1920) until such time as the figures are available for such census for the year nineteen hundred thirty (1930), after which further and final apportionments shall be made and computed according to said census for the year nineteen hundred thirty (1930).

first day of July of **each year** the state auditor shall determine the rate of taxation for that year necessary to raise the amount of money needed to pay the principal and interest maturing in the next succeeding year, taking into consideration available funds, delinquencies and the cost of collection. The auditor shall annually certify the rate of taxation so determined to the **officer in each county** whose duty it is to make up and certify the tax books wherein are extended the state taxes. **Said officers** shall extend upon the tax books the taxes to be collected and certify the same to the collector of revenue **of their respective counties,** who shall collect such taxes at the same time and in the same manner and by the same means as are provided by law for the collection of state and county taxes, and pay the same into the state treasury.

Said supplementary state highways to be constructed or improved and maintained in each of the counties of the State shall be selected by mutual agreement of the State Highway Commission, and the officials of such counties or political or civil subdivisions (including road districts) having charge of or jurisdiction over the roads in the territory through which such supplementary state highways are to be constructed, improved and maintained.

In order to connect state highways as designated and laid out under existing law with other such highways or with highways in adjoining states, and also in order to facilitate and expedite the movement of through traffic, the State Highway Commission is hereby authorized and empowered to locate, construct, and maintain from the funds herein provided for construction of primary and secondary highways and from the State Road Fund, highways and bridges not exceeding in the aggregate three hundred (300) miles as a part of and to be added to the said state highway system, and from such funds the State Highway Commission is hereby also authorized and empowered to locate, construct, and maintain highways and bridges in state parks, now

or hereafter established, and connect the same with the primary or secondary highways of the State.

All the highways and bridges to be constructed and improved with the funds herein provided, shall be constructed, improved and maintained under the direction and supervision of the State Highway Commission, which shall determine the width of right-of-way and surface, and the type and character of construction, improvement, and maintenance.

For a period of ten years after the adoption hereof, the General Assembly shall have no power to levy and collect state registration fees, license taxes or other taxes on motor vehicles (except the property tax on motor vehicles and state license fees or taxes on motor vehicle common carriers) or state taxes on the sale or use of motor vehicle fuels in excess of the rates fixed by law at the time this amendment is adopted, except that in the event the proceeds from such registration fees, license taxes or other taxes on motor vehicles (except the property tax on motor vehicles and state license fees or taxes on motor vehicle common carriers) and state taxes on the sale or use of motor vehicle fuels shall not be sufficient to produce funds

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requisite to pay the costs and expenses herein authorized and for the payments to sinking fund, for interest and for the proper maintenance of state highways as herein provided, then the General Assembly may increase the rates of such registration fees, or license taxes on motor vehicles or taxes on the sale or use of motor vehicle fuels to an amount sufficient to provide for such payments and the proper maintenance of state highways in order to avoid the levy of a direct tax on property in the State to meet such deficiencies.

If, at any time, the State Highway Commission should find that the proceeds from the fees, license taxes and taxes hereinabove provided, will not be sufficient to pay all expenses herein authorized and make provision for the sinking fund and for the accruing interest of all bonds then outstanding and to be outstanding, and also for suitable and proper maintenance of state highways, then and in that event, not more than sixty million dollars of bonds in addition to the sixty million dollars heretofore authorized and issued, shall be issued.

The remaining fifteen million dollars of bonds herein authorized shall never be issued until, in the opinion of the State Highway Commission, the pro-

ceeds from the fees, license taxes and taxes as hereinabove provided shall be sufficient to make provision for all expenses herein authorized, for the interest on all bonds outstanding and to be outstanding, for the sinking fund requirements of said issue, and for proper maintenance of state highways.

Nothing herein contained shall be construed to retard or delay in anywise the completion of the state highway system as designated and laid out under existing law, the construction of which shall proceed concurrently with, or take precedence over, the construction of all other highways provided for herein, as may be determined from time to time by the State Highway Commission.

Nothing herein contained shall be construed as in anywise affecting the validity, security or tenor of bonds heretofore issued for the purpose of constructing state highways.

The General Assembly shall enact such laws as may be necessary to carry into effect this amendment.

ALROY S. PHILLIPS,
Chairman

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FILE NO. 19

IN THE 1943-1944 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE X.

Reported from the Committee on Taxation—Levy, Assessment and Collection.—No. 10, May 3, 1944, with recommendation that the Committee Substitute for Proposals Nos. 1, 12, 17, 26, 34, 35, 39, 51, 52, 55, 79, 127, 131, 135, 158, 168, 192, 206, 208, 209, 228, 255, 260, 262, 303, 312, 313 (Sections 18, 21, 22 and 23, Art. X), 317, 319, 332, 343 and 368 be adopted; Proposals Nos. 42, 53, 58, 204, 241, 265, 302 and 348 be rejected.

R. E. L. MARRS, Secretary.

REPORT OF THE COMMITTEE ON TAXATION,—LEVY, ASSESSMENT AND COLLECTION, No. 10

MR. PRESIDENT:

Your Committee on Taxation,—Levy, Assessment and Collection, No. 10, to which was referred Proposals numbered 1, 12, 17, 26, 34, 35, 39, 42, 51, 52, 53, 55, 58, 79, 127, 131, 135, 158, 168, 192, 204, 206, 208, 209, 228, 241, 255, 260, 262, 265, 302, 303, 312, Sections 18, 21, 22 and 23 of Article X of 313, 317, 319, 332, 343, 348 and 368, begs to report that it has carefully considered the same and as a substitute for and in lieu of Proposals numbered 1, 12, 17, 26, 34, 35, 39, 51, 52, 55, 79, 127, 131, 135, 158, 168, 192, 206, 208, 209, 228, 255, 260, 262, 303, 312, Sections 18, 21, 22 and 23 of Article X of 313, 317, 319, 332, 343 and 368, and in lieu of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 18, 21, 22, 23, 26 and 27 of Article X of the present Constitution, recommends its Committee Substitute as follows:

ARTICLE X
TAXATION AND FINANCE

TAXATION

Section 1. The taxing power may be exercised by the
2 General Assembly for State purposes, and by municipalities,
3 counties, and other political subdivisions under authority
4 granted to them by the General Assembly for municipal,
5 county and other corporate purposes.

(Same in substance as Section 1 of the present Constitution.)

Section 2. The power to tax shall not be surrendered,
2 suspended, or contracted away, except to the extent author-
3 ized by this Constitution.

(Broadens the restriction contained in Section 2 of the present Constitution.)

Section 3. Taxes may be levied and collected for public
2 purposes only and shall be uniform upon the same class of
3 subjects within the territorial limits of the authority levying
4 the tax. All taxes shall be levied and collected by general
5 laws and shall be payable during the fiscal year in which
6 such taxes are assessed. Except as otherwise provided in
7 this Constitution, the method or methods of determining
8 the value of property for the purposes of taxation shall be
9 fixed by law.

(Same in substance as Section 3 of the present Constitution but adds provision from Proposal No. 79, requiring the payment of taxes in the same year as they are assessed,—also a provision requiring the General Assembly to fix the method of establishing the value of property for tax purposes.)

Section 4. All property subject to taxation shall be
2 classified for taxing purposes as follows: Class 1. Real
3 estate and improvements thereon; Class 2. Tangible per-
4 sonal property; Class 3. Intangible personal property. The

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General Assembly may, by general law, provide for further classification within each class. Nothing in this Section shall prohibit the taxation of franchises, privileges or incomes, or the levying of excise or motor vehicle license taxes.

Property in Class 1 and Class 2, and subclasses thereof, shall be assessed for tax purposes at its value or at such percentage of its value as may be fixed by the General Assembly for such classes or subclasses respectively. Property in Class 3 and subclasses thereof shall be taxed only to the extent authorized and at the rate or rates fixed by the General Assembly for such class or subclasses respectively. The tax shall be based upon the annual yield and shall not exceed eight per cent thereof.

All taxes upon property in Class 3, and subclasses thereof, shall be assessed, levied and collected by the state, and all sums so collected shall be returned in such manner as may be provided by law, less two per cent for the cost of collection, to the municipalities, counties, school districts and other political subdivisions from which such taxes originate.

In case the General Assembly shall substitute for the tax on bank shares a tax on the net income of the banks, or a tax measured by their net income, all sums so collected, less two per cent for the cost of collection, shall be returned in such manner as may be prescribed by law to the municipalities, counties, and other political subdivisions where the banks are located.

(This Section is entirely new and substitutes the Classified Property Tax System for the General Property Tax System required under Section 4 of the present Constitution. It also provides that the State will no longer share in the tax on intangible personal property, and is based, for the most part, upon Proposals Nos. 1, 17, 34, 39, 192 and 312.)

Section 5. All railroad corporations in this state, or
2 doing business therein, shall be subject to taxation for state,
3 county, school, municipal and other purposes, on the real
4 and personal property owned or used by them, and on their
5 gross earnings, their net earnings, their franchises and their
6 capital stock.

(Same as Section 5 of the present Constitution.)

Section 6. All property, real and personal, of the state,
2 municipalities, counties and other political subdivisions, and
3 non-profit cemeteries, shall be exempt from taxation; and
4 all property, real and personal, not held for private or cor-
5 porate profit and used exclusively for religious worship,
6 for schools and colleges, for purposes purely charitable, or
7 for agricultural and horticultural societies, and property
8 of cemeteries operated for profit may be exempted from
9 taxation; provided, that such exemption shall be only by
10 general law.

11 No corporation organized under a charter exempting
12 its property from taxation shall hereafter have the right to
13 acquire property in any way exempt from taxation, except
14 property acquired and used exclusively for school or re-
15 ligious purposes and not for profit.

(Contains substance of Section 6 of the present Constitution except (1) provides that exempt property must not be held for private or corporate profit and (2) adds a new paragraph relating to corporations organized under charters exempting their property from taxation.)

Section 7. For the purpose of encouraging reconstruc-
2 tion, redevelopment and rehabilitation of obsolete, decadent
3 or blighted areas, the General Assembly may provide for
4 such partial or total relief from taxation of the lands de-
5 voted to such purposes, and of the improvements thereon,
6 by such method or methods, for such period or periods of

time, not exceeding twenty-five years in any instance, and upon such terms, conditions, and restrictions as it may prescribe.

(This is a new Section and is based upon Proposal No. 127.)

Section 8. The state tax on real estate and tangible personal property, exclusive of the tax necessary to pay the bonded debt of the state, shall not exceed ten cents on the hundred dollars assessed valuation.

(This Section amends Section 8 of the present Constitution so as to base the limit on the present valuation of property in the state and to confine its operation to the types of property that are subject to taxation for state purposes.)

Section 9. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

(This Section is the same as Section 13 of the present Constitution.)

Section 10. Except as otherwise provided in this Constitution, the General Assembly shall not impose taxes upon municipalities, counties or other political subdivisions or upon the inhabitants or property thereof for municipal, county or other corporate purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Nothing in this Constitution shall prevent the General Assembly, by general laws, from directing the payment of funds collected for state purposes to municipalities, counties, school districts, road districts or other political subdivisions as state aid for local purposes.

(This Section is substantially the same as Section 10 of the present Constitution, except that it expressly authorizes the use of state funds for local purposes.)

Section 11. Taxes may be levied by municipalities, counties, school districts and other political subdivisions on all property subject to their taxing power, but the valuation therefor in such municipalities, school districts, or other political subdivisions shall not exceed the valuation of the same property for state and county purposes.

Any tax imposed upon such property by municipalities, counties or school districts, for their respective purposes, shall not exceed the following annual rates:

For municipalities,—one dollar on the hundred dollars assessed valuation;

For counties,—thirty-five cents on the hundred dollars assessed valuation in counties having five hundred million dollars, or more, assessed valuation, and fifty cents on the hundred dollars assessed valuation in all other counties; provided, that in counties having township organization, an additional ten cents on the hundred dollars assessed valuation may be levied by, collected for, and used solely by the counties and the townships shall not participate in such additional tax so collected.

For school districts formed of cities and towns,—one dollar on the hundred dollars assessed valuation;

For all other school districts,—sixty-five cents on the hundred dollars assessed valuation;

Provided, that in all municipalities, counties and school districts, the rate of taxation as herein limited, or as further limited by the General Assembly, may be increased for their respective purposes when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote and two-thirds of the qualified voters voting on such proposition shall vote therefor; and, provided further,

33 that any municipality, county, or other political subdivision,
34 when authorized by law and within the limits fixed by law,
35 may levy a rate of taxation on all property subject to its
36 taxing powers in excess of the rates herein limited, for library,
37 hospital, public health, and other public purposes.
38 The City of St. Louis may levy for municipal purposes,
39 in addition to the municipal rates herein provided, a rate
40 not exceeding the rate that would be allowed for county
41 purposes if said city were a county.
42 The foregoing limitation on rates shall not apply to
43 taxes levied for the purpose of paying any valid bonded
44 debt.

(This is a revision of Section 11 of the present Constitution. While it retains the principle of limitation on rates for tax purposes, it makes certain revisions therein, permits the voters to authorize increased levies, and gives to the General Assembly the power to authorize additional levies for certain specific purposes.)

Section 12. In addition to the rates authorized in
2 Section 11 of this Article for county purposes, the county
3 court in the several counties may levy an additional tax,
4 not exceeding thirty-five cents on each hundred dollars
5 assessed valuation, all of such tax to be collected for the
6 benefit of the county, and turned in to the county treasury
7 to be used by such county solely for road and bridge pur-
8 poses. In addition to the above levy for road and bridge
9 purposes, it shall be the duty of the county court, when
10 authorized so to do by a majority of the qualified voters of
11 any road district, general or special, voting thereon at an
12 election held for such purpose, to make an additional levy
13 of not to exceed thirty-five cents on the hundred dollars
14 assessed valuation on all taxable real estate and tangible
15 personal property within such district, to be collected in the
16 same manner as state and county taxes, and placed to the

17 credit of the road district authorizing such levy, such elec-
18 tion to be called and held in the manner provided by law.

(This Section is a revision of Sections 22 and 23 of the present Constitution, and is based upon Proposal No. 158.)

Section 13. No property in this state may be sold for
2 delinquent taxes except by judicial proceedings in a court
3 of competent jurisdiction.

(This is a new Section and is based upon Proposal No. 332.)

Section 14. The General Assembly may establish a
2 commission, to be appointed by the Governor, by and with
3 the consent of the Senate, to equalize assessments as be-
4 tween counties and, under such rules as may be prescribed
5 by law, to hear appeals from local boards in individual
6 cases and, upon such appeal, to correct any assessment which
7 is shown to be unjust, unfair or capricious. Such commis-
8 sion shall perform all other duties prescribed by law.

(This Section is a revision of Section 18 of the present Constitution.)

REMARKS

Section 1. This Section is the same in substance as Section 1 of the present Constitution.

Section 2. Section 2 of the present Constitution prohibits the General Assembly from surrendering or suspending the power to tax corporations and corporate property. This has been changed in two respects: first, the prohibition is no longer limited merely to corporations or corporate property but, as now written, will apply to individuals and their property as well; second, it also contains the clause "except to the extent authorized by this Constitution" so as to keep this Section from conflicting with Section 7, which authorizes the granting of tax relief in connection with the restoration of blighted areas.

Section 3. This section is, generally, the same in substance as Section 3 of the present Constitution, but contains two additions. Under the present Constitution property taxes do not become delinquent until a year and a half after they have been assessed. This obviously unsatisfactory situation is corrected by the requirement that all taxes shall be payable in the fiscal year in which they are assessed. Under the present Constitution there is no clearly established or fixed basis upon which the various assessors establish values for tax purposes; to correct this situation, a provision has been inserted requiring the General Assembly to establish by law the method or methods of determining the value of property for the purposes of taxation.

Section 4. This Section is entirely new. It eliminates from Section 4 of the present Constitution the requirement that all property shall be taxed in proportion to its value, which was construed by the Supreme Court of Missouri as placing all property in a single class, so far as the basis of taxation is concerned. The Section divides all property subject to taxation into three classes and authorizes the General Assembly to provide for further classification within each class. It provides a means whereby different types of property may be accorded different treatment, so far as the burden of taxation is concerned. Under the present Constitution the tax rates have proven so confiscatory when applied to money, bonds, notes, and other types of intangible personal property, that the law has been openly and flagrantly disregarded and dishonest returns are filed as a matter of course. The general property tax, as applied to this type of property, has been aptly described as a "tax on ignorance and honesty." To enable the people of this State to file honest tax returns and, in order to subject to taxation a great mass of property that is now virtually untaxed, this type of property has been placed in a separate classification. The tax is assessed and collected by the State for the benefit of the municipalities, counties and other political subdivisions, the tax to be based

upon the yield or income produced by the property and in no instance to exceed eight per cent thereof. This, of course, will have the effect of exempting from taxation any intangibles that produce no income, such as demand deposits.

Section 5. This Section is the same, in all respects, as Section 5 of the present Constitution.

Section 6. This Section contains the substance of Section 6 of the present Constitution, except that it provides that exempt property must not be held for profit, either private or corporate, and removes the limitation on the quantity of property that may be exempted by the General Assembly. In addition, it contains a new paragraph applying to corporations organized under charters exempting their property from taxation. This provision would have the effect of limiting this special tax exemption privilege to property now owned by said institutions and property hereafter acquired to the extent it is used exclusively for school or religious purposes, and not for profit.

Section 7. This is an entirely new provision, and permits the General Assembly to give encouragement to the restoration of blighted areas throughout the State by granting relief from taxation to properties devoted to the above purpose.

Section 8. This Section is an amendment of Section 8 of the present Constitution. The present Constitution limits the State tax on property, exclusive of the tax necessary to pay the bonded debt, to twenty cents on the hundred dollars valuation, and further provides that when the taxable property of the State amounts to nine hundred million dollars this rate shall be reduced to fifteen cents. As the State now contains at least four billion dollars of taxable property, a further reduction to ten cents would appear to be entirely justified.

Section 9. This Section is the same as Section 13 of the present Constitution.

Section 10. The first paragraph of this Section is the same, in substance, as Section 10 of the present Constitution. The

second paragraph is new, and expressly permits the giving of State aid to municipalities, counties and other political subdivisions.

Section 11. This Section is a revision of Section 11 of the present Constitution, which establishes maximum rates for local purposes. At the present time the rates for municipal purposes vary all the way from twenty-five cents to one dollar on the hundred dollars valuation, depending upon the size of the city. Not finding any valid reason for these distinctions, the Committee recommends their elimination and the adoption of a maximum rate of one dollar on the hundred dollars valuation for all municipalities. Under the present Constitution counties having less than thirty million dollars of property subject to taxation may levy up to fifty cents on the one hundred dollars valuation; counties having more than thirty million are limited to thirty-five cents. The new Section would make the fifty cent rate available to all counties except Jackson and the City of St. Louis. Experience has demonstrated the need of somewhat higher rates for school purposes, and this has been taken care of in the new Section.

In addition, the new Section permits all of these rates to be exceeded upon an affirmative vote of two-thirds of the voters voting on the proposition, and gives the General Assembly the power to authorize additional levies for library, hospital, public health, and other public purposes.

Section 12. This Section is a revision of Sections 22 and 23 of the present Constitution. Its principal purpose is to enable the counties to expend their road and bridge funds on a county-wide basis.

Section 13. This is a new Section and would appear to be self-explanatory.

Section 14. This Section is a revision of Section 18 of the present Constitution, which establishes the State Board of Equalization. The new Section gives the General Assembly the

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power to establish a commission to perform the functions now performed by the State Board of Equalization, to hear appeals from local Boards in individual cases, to correct any unjust or capricious assessment, and to perform such other duties as may be prescribed by the General Assembly.

Your Committee has been unable to utilize, and recommends the disapproval of Proposals numbered 42, 53, 58, 204, 241, 265, 302 and 348.

Your Committee further recommends that Sections numbered 4, 7, 9, 14, 17, 21 and 27 of Article X of the present Constitution be eliminated therefrom, for the reason that they would serve no useful purpose in the new Constitution.

Your Committee further recommends that Sections numbered 12, 12a, 15, 16, 19, 20 and 26 of Article X of the present Constitution be eliminated from Article X, for the reason that the subject matter therein contained is covered by Reports from other Committees.

All Propcsals referred to and considered by this Committee, and also petition from The Farmers Educational and Cooperative Union of America, are herewith returned to the Convention.

Respectfully submitted,

R. W. BROWN (1)
CHAS. H. MAYER
WM. H. ALLEN
BERT MILLER (2)
JOE J. MANLOVE
LEWIS E. MEADOR
CLAUDE ARNOLD (3)
CLEM F. STORCKMAN
O. D. DOWNES (4)
ROBERT B. PETTS (5)
J. A. HEMPHILL (6)
JOHN J. ROBISON (7)

V. E. PHILLIPS (8)
EVERETT HULLVERSON (9)
RICHARD R. NACY
ETHAN A. H. SHEPLEY (10)
Chairman.

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(1) With reservations as to Sections 4, 6 and 11.
(2) With reservations as to Sections 4 and 13.
(3) With reservations as to the second, third and fourth paragraphs of Section 4, the second paragraph of Section 6, and all of Sections 7 and 12.
(4) With reservations as to Section 4.
(5) With reservations as to the second paragraph of Section 4 and all of Section 7.
(6) With reservations as to Sections 4, 12 and 13.
(7) With reservations as to Sections 4 and 7.
(8) With reservations as to Sections 3, 4, 6, 11, 13 and 14.
(9) With reservations,—not specified.
(10) With reservations as to the second paragraph of Section 6.

MINORITY REPORT

We, the undersigned, a minority of the Committee on Taxation—Levy, Assessment and Collection, No. 10, respectfully submit to the Convention a minority report as follows:

ARTICLE X.
TAXATION AND FINANCE

TAXATION

Section 1. The taxing power may be exercised by the
2 General Assembly for state purposes, and by municipalities,
3 counties and other political subdivisions under authority
4 granted to them by the General Assembly for municipal,
5 county and other corporate purposes.

(Same in substance as Section 1 of the present Constitution.)

Section 2. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the General Assembly nor shall the power to tax ever be surrendered or suspended, except to the extent authorized by this Constitution.

(Same as Section 2 of the present Constitution with added provision.)

Section 3. Taxes may be levied and collected for public purposes only and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. All taxes shall be levied and collected by general laws and shall be payable during the fiscal year in which such taxes are assessed. All property subject to taxation shall be taxed in proportion to its value and the method or methods of determining value may be fixed by law.

(Same in substance as Section 3 of the present Constitution. Last sentence from Section 4 of the present Constitution with addition concerning method of determining value.)

Section 4. All property subject to taxation shall be classified for taxing purposes as follows: Class 1. Real estate and improvements thereon. Class 2. Tangible personal property. Class 3. Intangible personal property. The General Assembly may, by general law, provide for further classification within each class. Nothing in this section shall prohibit the taxation of franchises, privileges or incomes, or the levying of excise or motor vehicle license taxes.

All taxes upon intangible personal property shall be assessed, levied and collected by the State, and all sums collected shall be returned in such manner as may be provided by law, less two per cent for cost of collection, to the counties, municipalities, school districts and other political subdivisions from which such taxes originate.

(Proposal No. 1 with addition concerning state collection.)

Section 5. All railroad corporations in this State, or
2 doing business therein, shall be subject to taxation for State,
3 county, school, municipal and other purposes, on the real
4 and personal property owned or used by them, and on their
5 gross earnings, their net earnings, their franchises and their
6 capital stock.

(Same as Section 5 of the present Constitution.)

Section 6. All property, real and personal, of the
2 State, municipalities, counties and other political subdi-
3 visions, and non profit cemeteries, shall be exempt from
4 taxation and all property, real and personal, not held for
5 private or corporate profit and used exclusively for religious
6 worship, for schools and colleges, for purposes purely chari-
7 table and for agricultural and horticultural societies, may
8 be exempted from taxation; provided, that such exemptions
9 shall be only by general law. Provided further, the General
10 Assembly may by general law provide for off sets against
11 or exemptions with respect to any or all types of intangible
12 personal property. All laws exempting property from taxa-
13 tion, other than the property above enumerated, shall be
14 void.

(Contains the substance of Section 6 of the present Constitution with requirement that exempt property must not be held for private or corporate use. Last proviso with respect to intangible personal property is new.)

Section 7. The General Assembly, for the purpose of
2 encouraging forestry when lands are devoted exclusively to
3 such purpose, and encouraging the reconstruction, redevelop-
4 ment and rehabilitation of obsolete, decadent and blighted
5 areas, may provide for partial or total relief of real estate
6 and the improvements thereon from taxation. Provided,
7 that terms, conditions and restrictions in the use of such

lands may be prescribed by law and the period of relief shall not exceed twenty-five years.

(This is a new section.)

Section 8. The State tax on real property and improvements thereon and on tangible personal property, exclusive of the tax necessary to pay the bonded debt of the State, shall not exceed fifteen cents on the hundred dollars valuation.

(Same as Section 8 of the present Constitution adjusted to meet present valuation of property in the State.)

Section 9. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

(This is same as Section 13 of the present Constitution.)

Section 10. Except as otherwise provided in this Constitution, the General Assembly shall not impose taxes upon municipalities, counties or other political subdivisions or upon the inhabitants or property thereof for municipal, county or other corporate purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Nothing in this Constitution shall prevent the General Assembly by general laws from directing the payment of funds levied and collected for State purposes to municipalities, counties, school districts, road districts or other political subdivisions as State Aid for local purposes.

(Same as Section 10 of the present Constitution with minor change in the verbiage. Last sentence is new and designed to authorize the use of State funds for aid to local units of government.)

Section 11. Taxes may be levied by municipalities, counties, school districts and other political subdivisions

3 on all subjects and objects of taxation, but the valuation
4 therefor in such municipalities, school districts or other
5 political subdivisions shall not exceed the valuation of the
6 same property for State and county purposes.

7 Taxes imposed upon real estate and improvements
8 thereon and upon tangible personal property by munici-
9 palities, counties or school districts for their respective
10 purposes, shall not exceed the following limitations:

11 For county purposes the annual rate on such property,
12 in counties having thirty million dollars or less valuation,
13 shall not exceed fifty cents on the hundred dollars valuation;
14 and in counties having thirty million dollars or more, said
15 rate shall not exceed thirty five cents on the hundred
16 dollars valuation. For city and town purposes the annual
17 rate on such property in cities and towns having thirty
18 thousand inhabitants or more shall not, in the aggregate,
19 exceed one hundred cents on the one hundred dollars valua-
20 tion; in cities and towns having less than thirty thousand
21 and over ten thousand inhabitants, said rate shall not exceed
22 sixty cents on the hundred dollars valuation; in cities and
23 towns having less than ten thousand and more than one
24 thousand inhabitants, said rate shall not exceed fifty cents
25 on the hundred dollars valuation and in towns having
26 one thousand inhabitants or less, said rate shall not exceed
27 twenty-five cents on the hundred dollars valuation. Pro-
28 vided, that the City of St. Louis may levy for municipal
29 purposes, in addition to the municipal rate of taxation above
30 provided, a rate not exceeding the rate which would be
31 allowed for county purposes if said city were part of a
32 county.

33 For school purposes in districts composed of cities and
34 towns, the annual rate on such property shall not exceed
35 one dollar on the hundred dollars valuation, and in other

36 districts shall not exceed sixty five cents on the hundred
37 dollars valuation.
38 In all such counties, cities, towns and school districts,
39 the rate of taxation herein limited may be further increased
40 for county, city, town or school purposes, when the rate of
41 such increase and the purpose of which it is intended shall
42 have been submitted to a vote, and two-thirds of the
43 qualified voters voting thereon at such election shall vote
44 therefor.
45 The rate herein allowed to each county shall be ascer-
46 tained by the amount of taxable property therein, accord-
47 ing to the last assessment for State and county purposes,
48 and the rate allowed each city or town by the number of
49 inhabitants, according to the last census taken under the
50 authority of the State, or of the United States; said restric-
51 tions as to rates shall apply to taxes of every kind and
52 description, whether general or special, except taxes to pay
53 valid indebtedness now existing, or bonds which may be
54 issued in renewal of such indebtedness.
55 Any county, school district, city, town, or other political
56 subdivision, when authorized by law and within the limits
57 fixed by law, may levy a rate of taxation on such property
58 in excess of the rates herein limited, for libraries, hospitals,
59 or public welfare purposes.

(Same in substance with increased limits as Section 11 of the present Constitution, but limitations affect real property and improvements thereon and tangible personal property.)

Section 12. In addition to the taxes authorized in
2 Section 11 of this article for county purposes, the county
3 court in the several counties may levy an additional tax
4 not exceeding thirty-five cents on each hundred dollars
5 assessed valuation, all of such tax to be collected for the
6 benefit of the county, and turned in to the county treasury
7 to be used by such county solely for road and bridge pur-

8 poses. In addition to the above levy for road and bridge
9 purposes, it shall be the duty of the county court, when
10 authorized so to do by a majority of the qualified voters of
11 any road district, general or special, voting thereon at an
12 election held for such purpose, to make an additional levy
13 of not to exceed thirty-five cents on the hundred dollars
14 assessed valuation on all taxable real estate and tangible
15 personal property within such district, to be collected in the
16 same manner as state and county taxes, and placed to the
17 credit of the road district authorizing such levy, such election
18 to be called and held in the manner prescribed by law.

(This section is based on Sections 22 and 23 of the present Constitution.)

REMARKS

The Constitutional Convention of 1875 gave exhaustive study to the subject of taxation and embodied in the Constitution sound declarations of public policy. Numerous restrictions concerning the levying of taxes and the rates to be prescribed were placed upon local authorities.

The Committee report to the Convention of 1875 recommended certain classification of property for taxing purposes, but such provisions were stricken from the article on the floor of the Convention. Consequently, a general property tax, including all property in one class and based upon valuation, has been in effect for sixty nine years. During that period the coming into existence of intangible property has changed to a large extent our present economic order.

The impossibility of applying a general ad valorem tax based on value to intangible personal property has become increasingly evident. The general property tax has been the subject of severe criticism and the system has been discarded or modified in all of the states except sixteen. Experience has demonstrated that a small percentage of intangible property is returned for assess-

ment in states continuing the general property tax. The sound provisions contained in the Constitution of 1875 should now be amplified and extended to include proper classification of property. The strict limitations on rates contained in the present Constitution as it has been amended, should be further liberalized to meet existing conditions, maintaining a check, however, by requiring the consent of two-thirds of the voters voting at an election if rates are to be increased above the constitutional maximums.

This report confines changes to classification and necessary raising of limitations. It does not propose up-setting our tax system by including fractional valuation assessment, or yield according to income, or otherwise commingling property taxes with an income tax.

The General Assembly is afforded wide discretion in determining the subclassifications it may make and the rates it may fix as to each type of property. It may employ different methods of treatment according to the characteristics of the property and may act without restrictive constitutional limitations.

CLASSIFICATION OF PROPERTY

A classification is employed which represents the nature of property and is:

1. Real property and improvements thereon.
2. Tangible personal property.
3. Intangible personal property.

The General Assembly may, if it deems advisable, make subclassifications. Ordinarily, intangible property is subdivided into four classes upon which varying rates may be prescribed. Experience has demonstrated that the intangible personal property in a state is approximately the value of real estate and tangible personal property. It is believed that non revenue producing intangible personal property should not escape taxa-

tion entirely. Such property receives the protection of government, can be enforced in the courts and is a proper subject matter of taxation. This report, however, provides a safeguard against double taxation by permitting the General Assembly to provide for off sets against or exemptions with respect to any or all types of intangible personal property. If the income tax should be substantially increased, facility would be available to the General Assembly for the making of proper adjustments with respect to intangible personal property contributing largely to an increased income tax. Classification of property for taxing purposes will permit the collection of substantial revenues from sources now evading taxation. The temptation of the taxpayer to make fraudulent declarations will be largely removed and injustice to forms of property which are bearing an undue burden can be corrected.

EXEMPTION OF PROPERTY

The public policy of this State is in conformity with the public policy of a majority of the states that State, municipal and county property should be exempt and that property not held for private or corporate profit and used exclusively by religious, educational, charitable and similar organizations may be exempted from taxation. No further exemption of tangible property should be encouraged.

It is variously estimated that the amount of intangible property in the State of Missouri is at least four billion dollars. If exemptions are made with respect to all types of intangible property which do not produce income, it is variously estimated that two billion dollars or more of such property will be exempt. Such types will include deposits, accounts receivable, trade acceptances, prepaid insurance items and equities. Such exemptions are not justified or in keeping with sound policy.

Bank deposits, however, frequently include off set items which are otherwise taxed and it is believed that the General

Assembly should have liberal authority in the taxation of intangible personal property to make proper allowances or exemptions in such respects.

STATE AID

The decrease in assessable property in certain sections of the State and the continuation of overlapping and numerous forms of local government has brought about a situation which requires a treatment not contemplated at the time the Constitution of 1875 was framed.

It is evident that certain responsibilities of government heretofore conducted and paid for by local taxation must be shifted to the State Government, or if such responsibilities are to remain in the local communities, State aid must be received from state revenues.

Section 10 of this report is designed to preserve the well defined line of demarcation between the authority of the General Assembly to impose taxes for state purposes only and that of the local communities to impose taxes for local purposes, but at the same time permit the payment of state aid, whether out of state revenues or revenues received from Federal grants, to local communities.

LIMITATIONS

The limitations fixed by the Constitution of 1875 as amended, have served a useful purpose in discouraging unwise, extravagant or unwarranted expenditures. The people of the State are familiar with and expect such limitations to be maintained as nearly as possible in connection with necessary public services. In many states similar limitations and similar rates are prescribed in the Constitution. This report follows closely the present Constitution but with authority in the residents of any political subdivision to increase the rate of taxation in such amount as needed,

upon the approval of two-thirds of the voters voting at an election for that purpose. Likewise, such political subdivisions, when authorized by law and within limits which may be fixed by law, may provide for the support of libraries, hospitals or engage in public welfare activities.

CONCLUSION

This report retains the form of Article X of the present Constitution so far as practicable and most of the sections have the same section numbers. The language of the present Constitution is followed in the main, with the view that the court decisions over an extended period remain as a criterion for guidance in dealing with a far reaching and important subject.

V. E. PHILLIPS
J. A. HEMPHILL, with reservation
CLEM F. STORCKMAN, with reservation
BERT MILLER, with reservation
R. W. BROWN, with reservation
JOHN J. ROBISON, Reservation as to 3 and 7
R. B. PETTS, with reservation
EVERETT HULLVERSON, with reservation
CLAUDE ARNOLD, with reservation
O. D. DOWNES
LEWIS E. MEADOR, with reservation
JOE J. MANLOVE, with reservation

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FILE NO. 19

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE X.

Reported from the Committee on Taxation—Levy, Assessment and Collection.—No. 10, May 3, 1944, with recommendation that the Committee Substitute for Proposals Nos. 1, 12, 17, 26, 34, 35, 39, 51, 52, 55, 79, 127, 131, 135, 158, 168, 192, 206, 208, 209, 228, 255, 260, 262, 303, 312, 313, (Sections 18, 21, 22 and 23, Art. X), 317, 319, 332, 343 and 368 be adopted; Proposals Nos. 42, 53, 58, 204, 241, 265, 302 and 348 be rejected.

Taken up August 30, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 30, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 13, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE X

TAXATION

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 19 respectfully reports that it has examined the report of Committee No. 10 on Taxation—Levy, Assessment and Collection, and all amendments thereto, and it herewith reports said file as adopted by the Convention on August 30, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

FILE NO. 19

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE X

TAXATION

As Adopted by the Convention

ARTICLE X

TAXATION AND FINANCE

TAXATION

Section 1. The taxing power may be exercised by the General Assembly for State purposes, and by MUNICIPALITIES, counties, and other political subdivisions under AUTHORITY granted to them by the General Assembly for municipal, county and other corporate purposes.

As Suggested by the Committee

ARTICLE X

DEPARTMENT OF REVENUE

TAXATION

(Note: This file could be transferred to File No. 14.)

Section 1. The taxing power may be exercised by the general assembly for state purposes, and by counties and other political subdivisions under power granted to them by the general assembly for county, municipal and other corporate purposes.

(Changes. Omission of capitalization and bold faced words.

Substitution of "power" for "authority".
Transposition of "county".
On omission of "municipalities" see section 17, infra.)

Section 2. The power to tax shall not be surrendered, suspended or contracted away, except TO THE EXTENT authorized by this Constitution.

Section 2. The power to tax shall not be surrendered, suspended or contracted away, except as authorized by this Constitution.

(Changes. Substitution of "as" for "to the extent".)

Section 3. Taxes may be levied and collected for public purposes only and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. All taxes shall be levied and collected by general laws and shall be payable during the fiscal or calendar year in which SUCH TAXES ARE ASSESSED. Except as otherwise provided in this Constitution, the METHOD OR METHODS of determining the value of property for THE PURPOSES OF taxation shall be fixed by law.

Section 3. Taxes may be levied and collected for public purposes only, and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. All taxes shall be levied and collected by general laws and shall be payable during the fiscal or calendar year in which the property is assessed. Except as otherwise provided in this Constitution, the manner of determining the value of property for taxation shall be fixed by law.

(Changes. Omission of bold faced words and substitution of "manner" for "method or methods", and of "the property is assessed" for "such taxes are assessed".)

Section 4. All property SUBJECT TO TAXATION shall be classified for TAXING purposes as follows: Class 1. Real property; Class 2. Tangible personal property; Class 3. Intangible personal property. The General Assembly may, by general law, provide for further classification within Classes 2 and 3; BUT SUCH FURTHER CLASSIFICATION SHALL BE based solely UPON the nature OR characteristics of the property ITSELF, and not UPON the nature, residence, business OR OCCUPATION of the owner, or the amount OR AMOUNTS IN WHICH IT IS HELD. Nothing in this Section shall PROHIBIT the taxation of franchises, privileges or incomes, or the levying of excise or motor vehicle license taxes, BUT THE ENUMERATION OF TYPES OF TAXES IN THIS SENTENCE SHALL NOT EXCLUDE other types of taxes NOT MENTIONED THEREIN.

Property in Class 1 and CLASS 2, and subclasses of Class 2 shall be assessed for tax purposes at its value or at such percentage of its value as may be fixed BY THE GENERAL ASSEMBLY for SUCH CLASSES OR SUBCLASSES RESPECTIVELY. Property in Class 3 and subclasses

Section 4. All taxable property shall be classified for tax purposes as follows: Class 1, real property; Class 2, tangible personal property; Class 3, intangible personal property. The general assembly, by general law, may provide for further classification within Classes 2 and 3, based solely on the nature and characteristics of the property, and not on the nature, residence or business of the owner, or the amount owned. Nothing in this section shall prevent the taxing of franchises, privileges or incomes, or the levying of excise or motor vehicle license taxes, or any other taxes of the same or different types.

Property in Classes 1 and 2 and subclasses of Class 2, shall be assessed for tax purposes at its value or such percentage of its value as may be fixed by law for each class and for each subclass of Class 2. Property in Class 3 and its subclasses shall be taxed only to the extent authorized and at the rate fixed by law for each class and subclass, and the tax shall be based on the annual yield and shall not exceed eight per cent thereof.

All taxes on property in Class 3 and its subclasses, and the tax under any other form of taxa-

THEREOF shall be taxed only to the extent authorized and at the rate or rates fixed by the General Assembly for such Class or subclasses respectively, and the tax shall be based UPON the annual yield and shall not exceed eight per cent thereof.

All taxes UPON property in Class 3, and subclasses THEREOF, shall be assessed, levied and collected by the state, and ALL SUMS SO COLLECTED SHALL BE returned IN SUCH MANNER as MAY BE provided by law, less two per cent for THE COST OF collection, to the MUNICIPALITIES, counties, SCHOOL DISTRICTS and other political subdivisions in proportion to their respective rates of levy FROM WHICH SUCH TAXES ORIGINATE.

IN CASE THE GENERAL ASSEMBLY SHALL substitute for the tax on bank shares some other form of tax ALL SUMS SO COLLECTED, LESS TWO PER CENT FOR THE COST OF COLLECTION, SHALL BE RETURNED IN SUCH MANNER AS MAY BE PRESCRIBED BY LAW TO THE MUNICIPALITIES, COUNTIES, SCHOOL DISTRICTS AND OTHER POLITICAL SUBDIVISIONS IN PROPORTION tion substituted by the general assembly for the tax on bank shares, shall be assessed, levied and collected by the state and returned as provided by law, less two per cent for collection, to the counties and other political subdivisions of their origin, in proportion to the respective local rates of levy.

(Changes. Omission of capitalization and bold faced words.

For omission of "municipalities" and "school districts" see section 17, infra.

Transposition of "by general law" and of "counties".

Substitutions:

"All taxable property" for "All property, subject to taxation".

"tax purposes" for "taxing purposes".

"on" for "upon".

"nature and characteristics" for "nature or characteristics".

"amount owned" for "amount or amounts in which it is held".

"prevent the taxing" for "prohibit the taxation".

"or any other taxes of the same or different types" for "but the enumeration of types of

TO THEIR RESPECTIVE RATES OF LEVY WHERE THE BANKS ARE LOCATED.

taxes in this sentence shall not exclude other types of taxes not mentioned therein".

"Classes 1 and 2" for "Class 1 and Class 2".

"fixed by law for each class and subclass" for "fixed by the General Assembly for such classes and subclasses respectively".

"Class 3 and its subclasses" for "Class 3, and subclasses thereof".

"and returned as provided by law" for "and all sums so collected shall be returned as may be provided by law".

"less two per cent for collection" for "less two percent for the cost of collection".

"of their origin, in proportion to the respective local rates of levy" for "in proportion to their respective rates of levy from which such taxes originate".

Last paragraph consolidated with preceeding paragraph by insertion of "and the tax under any other form of taxation substituted by the general assembly for the tax on bank shares".)

Section 5. All railroad corporations in this state, or doing business therein, shall be subject to taxation for state, county, school, municipal and

Section 5. All railroad corporations in this state, or doing business therein, shall be subject to taxation for state, county, school, municipal and

other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises and their capital stock.

Section 6. All property, real and personal, of the state, MUNICIPALITIES, counties and other political subdivisions, and non-profit cemeteries, shall be exempt from taxation; and all property, real and personal, not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies may be exempted from taxation; PROVIDED, THAT SUCH EXEMPTION SHALL BE ONLY by general law. All laws exempting property from taxation, other than the property in this article enumerated shall be void.

Section 7. For the purpose of encouraging forestry when lands are devoted exclusively to such purpose, and the reconstruction, redevelopment and

other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises and their capital stock.

(Changes. None.)

Section 6. All property, real and personal, of the state, counties and other political subdivisions, and non-profit cemeteries, shall be exempt from taxation; and all property, real and personal, not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies may be exempted from taxation by general law. All laws exempting from taxation property other than the property enumerated in this article, shall be void.

(Changes. Omission of bold faced words.

For omission of "municipalities" see section 17, infra.

Transposition of "property" in last sentence.)

Section 7. For the purpose of encouraging forestry when lands are devoted exclusively to such purpose, and the reconstruction, redevelopment and

rehabilitation of obsolete, decadent or blighted areas, the General Assembly may by general law provide for such partial relief from taxation of the lands devoted to such purposes, and of the improvements thereon, by such method or methods, for such period or periods of time, not exceeding twenty-five years in any instance, and upon such terms, conditions, and restrictions as it may prescribe.

Section 7(a). The General Assembly OF THE STATE OF MISSOURI shall for A PERIOD OF fifteen years from THE ADOPTION OF THIS CONSTITUTION appropriate for each year, out of the General Revenue Fund, an amount not less than AN AMOUNT annually produced at a tax rate of one cent on each one hundred dollars of valuation of real ESTATE and tangible personal property taxable by the State OF MISSOURI, for the exclusive purposes of providing a State Park Fund to be expended and used by WHATEVER agency, UNDER THE LAW HAS CONTROL AND SUPERVISION OF STATE PARKS, for the purpose

rehabilitation of obsolete, decadent or blighted areas, the general assembly by general law, may provide for such partial relief from taxation of the lands devoted to any such purpose, and of the improvements thereon, by such method or methods, for such period or periods of time, not exceeding twenty-five years in any instance, and upon such terms, conditions, and restrictions as it may prescribe.

(Changes. Omission of capitalization, and transposition of "by general law".)

Section 8. For fifteen years from the day this Constitution takes effect the general assembly shall appropriate for each year out of the general revenue fund, an amount not less than that produced annually at a tax rate of one cent on each one hundred dollars assessed valuation of the real and tangible personal property taxable by the state, for the exclusive purpose of providing a state park fund to be expended and used by the agency authorized by law to control and supervise state parks, for the purposes of the acquisition, supervision, operation, maintenance, development, control, regulation and restoration of state parks and state park

of acquisition, supervision, operation, maintenance, development, control, regulation and restoration of State Parks and State Park property, as may be determined by THE agency IN CONTROL OF STATE PARKS; thereafter, the LEGISLATURE shall appropriate such amounts as may be reasonably necessary for THE purposes HEREIN.

property as may be determined by such agency; and thereafter the general assembly shall appropriate such amounts as may be reasonably necessary for such purposes.

(Changes. Change of section number from 7(a) to 8.

Omission of capitalization and bold faced words.

Transposition of "For fifteen years etc.".

Substitutions:

"from the day this Constitution takes effect" for "from the adoption of this Constitution".

"an amount not less than that produced annually" for "an amount not less than an amount annually produced".

"assessed valuation of the real" for "of valuation of real".

"purpose" for "purposes" and "purposes" for "purpose".

"the agency authorized by law to control and supervise state parks" for "whatever agency, under the law, has control and supervision of State Parks".

"for the purposes of the acquisition etc" for "for the purpose of acquisition etc".

"determined by such agency" for "determined by the agency in control of State Parks".
"and thereafter" for "thereafter".
"general assembly" for "legislature".
"such purposes" for "the purposes herein".)

Section 8. The state tax on real ESTATE and tangible personal property, exclusive of the tax necessary to pay any EXISTING OR FUTURE VALID bonded debt of the state, shall not exceed ten cents on the hundred dollars assessed valuation.

Section 9. The state tax on real and tangible personal property, exclusive of the tax necessary to pay any bonded debt of the state, shall not exceed ten cents on the hundred dollars assessed valuation.

(Changes. Change of section number from 8 to 9.
Omission of bold faced words.)

Section 9. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

Section 10. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

(Changes. Change of section number from 9 to 10.)

Section 10. Except as OTHERWISE provided in this Constitution, the General Assembly shall not impose taxes upon MUNICIPALITIES, counties or other political subdivisions or upon the inhabitants or property thereof for municipal, county

Section 11. Except as provided in this Constitution, the general assembly shall not impose taxes upon counties or other political subdivisions or upon the inhabitants or property thereof for municipal, county or other corporate purposes.

or other corporate purposes, BUT MAY, BY GENERAL LAWS, VEST IN THE CORPORATE AUTHORITIES THEREOF THE POWER TO ASSESS AND COLLECT TAXES FOR SUCH PURPOSES.

Nothing in this Constitution shall prevent the GENERAL ASSEMBLY, by general laws, FROM directing the payment of funds collected for state purposes to MUNICIPALITIES, counties, SCHOOL DISTRICTS, ROAD DISTRICTS or other political subdivisions as state aid for local purposes.

Section 10 (a). NO MUNICIPAL OFFICE SHALL BE CREATED BY THE GENERAL ASSEMBLY for any city framing and adopting its own charter under the provisions of this or any FORMER constitution, NOR SHALL THE GENERAL ASSEMBLY fix the powers, duties or compensation of any such office, and all such offices heretofore created shall cease to exist at the end of the terms FOR WHICH any incumbents HAVE BEEN ELECTED.

Nothing in this Constitution shall prevent the enactment of general laws directing the payment of funds collected for state purposes to counties or other political subdivisions as state aid for local purposes.

(Changes. Change of section number from 10 to 11.

Omission of capitalization and bold faced words.

For omission of "municipalities, school districts, road districts" see section 17 infra.

Substitution of "enactment of general laws" for "General Assembly, by general laws, from".)

Section 11 (a). No law shall be enacted creating or fixing the powers, duties or compensation of any municipal office or employment, for any city framing or adopting its own charter under this or any previous Constitution, and all such offices or employments heretofore created shall cease at the end of the terms of any present incumbents.

(Changes. Change of section number from 10 (a) to 11 (a).

Section rewritten to conform to engrossed section 20 (e) of File No. 12.

Omission of capitalization and bold faced words.

Section 11. Taxes may be levied by MUNICIPALITIES, counties, SCHOOL DISTRICTS and other political subdivisions on all property subject to their taxing power, but the valuation therefor in such MUNICIPALITIES, SCHOOL DISTRICTS, OR other political subdivisions shall not exceed the valuation of the same property for state and county purposes.

Any tax imposed upon such property by municipalities, counties or school districts, for their respective purposes, shall not exceed the following annual rates:

Substitutions:

"No law shall be enacted creating" for "No municipal office shall be created by the General Assembly".

"municipal office or employment" for "municipal office".

"any previous Constitution" for "any former constituton".

"terms of any present incumbents" for "terms for which any incumbents have been elected".)

(Note: This section should be transferred from File No. 19 and made section 27 of File No. 12.)

Section 12. Taxes may be levied by counties and other political subdivisions on all property subject to their taxing power, but the assessed valuation therefor in such other political subdivisions shall not exceed the assessed valuation of the same property for state and county purposes.

Any tax imposed upon such property by municipalities, counties or school districts, for their respective purposes, shall not exceed the following annual rates:

For municipalities, —one dollar on the hundred dollars assessed valuation;

For municipalities,—one dollar on the hundred dollars assesssed valuation;

For counties,—thirty-five cents on the hundred dollars assessed valuation in counties having three hundred million dollars, or more, assessed valuation, and fifty cents on the hundred dollars assessed valuation in all other counties;

For school districts formed of cities and towns,—one dollar on the hundred dollars assessed valuation; except in the City of St. Louis WHERE the rate shall not exceed eighty-nine (89) cents on the ONE hundred dollars assessed valuation.

For all other school districts,—sixty-five cents on the hundred dollars assessed valuation;

In all municipalities, counties and school districts the rate of taxation as herein limited may be increased for their respective purposes, for A PERIOD not to exceed four years, when the rate OF SUCH INCREASE and THE purpose FOR WHICH IT IS INTENDED SHALL HAVE BEEN submitted to a vote and two-thirds of the qualified VOTERS voting on SUCH PROPOSITION shall vote therefor, provided THE GENERAL ASSEMBLY may further limit the rates herein fixed

For counties, —thirty-five cents on the hundred dollars assessed valuation in counties having three hundred million dollars, or more, assessed valuation, and fifty cents on the hundred dollars assessed valuation in all other counties;

For school districts formed of cities and towns, —one dollar on the hundred dollars assessed valuation, except that in the City of St. Louis the annual rate shall not exceed eighty-nine cents on the hundred dollars assessed valuation;

For all other school districts, —sixty-five cents on the hundred dollars assessed valuation.

In all municipalities, counties and school districts the rates of taxation as herein limited may be increased for their respective purposes for not to exceed four years, when the rate and purpose of the increase are submitted to a vote and two-thirds of the qualified electors voting thereon shall vote therefor; provided that the rates herein fixed, and the amounts by which they may be increased, may be further limited by law; and provided further, that any county or other political subdivision, when authorized by law and within the limits fixed by law, may levy a rate of taxation on all property subject

and MAY ALSO SPECIFY the amount by which the FIXED RATES may be increased by such TWO-THIRDS vote; and provided further, that ANY MUNICIPALITY, county, or other political subdivision, when authorized by law and within the limits fixed by law, may levy a rate of taxation on all property subject to its taxing powers in excess of the rates herein limited, for library, hospital, public health, recreation grounds and museum PURPOSES.

The City of St. Louis may levy for county purposes, in addition to the municipal rates herein provided, a rate not exceeding the rate allowed for county purposes.

The foregoing limitation on rates shall not apply to taxes levied for the purpose of paying any EXISTING OR FUTURE VALID bonded debt.

Nothing in this Constitution shall BE CONSTRUED TO PROHIBIT the enactment of any general law BY THE GENERAL ASSEMBLY permitting any LOCAL TAX LEVYING AUTHORITY to levy taxes other than ad valorem taxes for THE essential purposes OF SUCH AUTHORITY.

to its taxing powers in excess of the rates herein limited, for library, hospital, public health, recreation grounds and museum purposes.

The City of St. Louis may levy for county purposes, in addition to the municipal rates herein provided, a rate not exceeding the rate allowed for county purposes.

The foregoing limitations on rates shall not apply to taxes levied for the purpose of paying any bonded debt.

Nothing in this Constitution shall prevent the enactment of any general law permitting any county or other political subdivision to levy taxes other than ad valorem taxes for its essential purposes.

(Changes. Change of section number from 11 to 12.

Omission of capitalization and bold faced words.

For omission of "municipalities" and "school districts" see section 17 infra.

Substitutions:

"assessed valuation" for "valuation".

"except that in the City of St. Louis" for "except in the City of St. Louis where".

"when the rate and purpose of the increase are submitted" for "when the rate of such increase and the purpose for which it is intended shall have been submitted".

"electors voting thereon" for "voters voting on such proposition".

"the rates herein fixed, and the amounts by which they may be increased, may be further limited by law" for "the General Assembly may further limit the rates herein fixed and may also specify the amount by which they may be increased".

"such vote" for "such two-thirds vote".

"shall prevent" for "shall be construed to prohibit".

"any county or other political subdivision" for "any local tax levying authority". (See section 17, infra.)

"for its essential purposes" for "for the essential purposes of such authority".)

Section 12. In addition to the rates authorized in Section 11 OF THIS ARTICLE for county purposes, the county court in the several counties not under township organization, the township board

Section 13. In addition to the rates authorized in section 12 for county purposes, the county court in the several counties not under township organization, the township board of directors in the counties

of directors in the SEVERAL counties under township organization and the proper BOARD OR administrative body in any county adopting an alternative form of government, may levy an additional tax, not exceeding thirty-five cents on each hundred dollars assessed valuation, all of such tax to be collected and turned in to the county treasury to be used for road and bridge purposes. In addition to the above levy for road and bridge purposes, it shall be the duty of the county court, when authorized SO TO DO by a majority of the qualified VOTERS of any road district, general or special, voting thereon at an election held for such purpose, to make an additional levy of not to exceed thirty-five cents on the hundred dollars assessed valuation on all taxable real ESTATE and tangible personal property within such district, to be collected in the same manner as state and county taxes, and placed to the credit of the road district authorizing such levy, such election to be called and held in the manner provided by law.

Nothing CONTAINED in this section shall PRECLUDE the refund of taxes collected hereunder to cities and towns for road and bridge purposes.

under township organization, and the proper administrative body in counties adopting an alternative form of government, may levy an additional tax, not exceeding thirty-five cents on each hundred dollars assessed valuation, all of such tax to be collected and turned in to the county treasury to be used for road and bridge purposes. In addition to the above levy for road and bridge purposes, it shall be the duty of the county court, when so authorized by a majority of the qualified electors of any road district, general or special, voting thereon at an election held for such purpose, to make an additional levy of not to exceed thirty-five cents on the hundred dollars assessed valuation on all taxable real and tangible personal property within such district, to be collected in the same manner as state and county taxes, and placed to the credit of the road district authorizing such levy, such election to be called and held in the manner provided by law.

Nothing in this section shall prevent the refund of taxes collected hereunder to cities and towns for road and bridge purposes.

(Changes. Change of section number from 12 to 13.

Section 13. WHERE PROVISION IS MADE BY LAW FOR THE SALE OF REAL ESTATE without judicial proceedings TO DISCHARGE ANY LIEN for state, county or city taxes, the notice of SUCH sale shall contain the NAME OR NAMES OF THE record OWNER OR owners thereof or the NAME OR NAMES OF THE OWNER OR OWNERS appearing on the land tax book and such other information as MAY BE PROVIDED by law.

Omission of capitalization and bold faced words.

Substitution of "electors" for "voters" "so authorized" for "authorized so to do", and of "prevent" for "preclude".)

Section 14. No real property shall be sold for state, county or city taxes without judicial proceedings, unless the notice of sale shall contain the names of all record owners thereof, or the names of all owners appearing on the land tax book, and all other information required by law.

(Changes. Section number changed from 13 to 14.

Omission of bold faced words.

Substitutions:

"No real property shall be sold for state * * * taxes * * * * * unless the notice" for "Where provision is made by law for the sale of real estate * * * to discharge any lien for state * * * taxes, the notice".

"the notice of sale" for "the notice of such sale".

"the names of all record owners" for "the name or names of the record owner or owners".

"the names of all owners appearing" for "the name or names of the owner or owners thereof appearing".

"all other information required by law" for "such other information as may be provided by law".)

Section 14. The General Assembly shall establish a commission, to be appointed by the Governor, by and with the advice and consent of the Senate, to equalize assessments as between counties and, under such rules as may be prescribed by law, to hear appeals from local boards in individual cases and, upon such appeal, to correct any assessment which is shown to be unjust, unfair or capricious. Such commission shall perform all other duties prescribed by law.

Section 15. The general assembly shall establish a commission, to be appointed by the governor by and with the advice and consent of the senate, to equalize assessments as between counties and, under such rules as may be prescribed by law, to hear appeals from local boards in individual cases and, upon such appeal, to correct any assessment which is shown to be unlawful, unfair, arbitrary or capricious. Such commission shall perform all other duties prescribed by law.

(Changes. Change of section number from 14 to 15.

Omission of capitalization.

Substitution of "unlawful * * * arbitrary" for "unjust".)

Section 15. The general assembly shall have no power to impose a use or sales tax upon the use,

Section 16. The general assembly shall have no power to impose a use or sales tax upon the use,

purchase or acquisition of property paid for out of the funds of any county, TOWNSHIP, SCHOOL DISTRICT, CITY, TOWN, VILLAGE, ROAD DISTRICT, DRAINAGE DISTRICT, SEWER DISTRICT, OR OTHER PUBLIC CORPORATION POSSESSING THE POWER TO LEVY TAXES.

Section 16. Wherever the term "other political subdivisions" is used in this Article, IT IS INTENDED to include townships, school DISTRICTS, road DISTRICTS, drainage DISTRICTS, sewer DISTRICTS, levee districts, and any other public corporation POSSESSING the power to LEVY TAXES.

purchase or acquisition of property paid for out of the funds of any county or other political subdivision.

(Changes. Change of section number from 15 to 16.

Omission of bold faced words. (See section 17, infra.)

Section 17. The terms "other political subdivision", "other legal subdivisions of the state" of "other political corporation or subdivision of the state" as used in this article, shall be construed to include townships, cities, towns, villages, school, road, drainage, sewer and levee districts and any other public subdivision, public corporation or public quasi-corporation having the power to tax.

(Changes. Change of section number from 16 to 17.

Omission of capitalization and bold faced words.

Insertion of "other legal subdivisions of the state" and "other political corporation or subdivision of the state". (See Engrossed sections 8, 11, 12(a), 12(b), 12(f), 14 and 15 of File No. 14.)

Insertion of "cities, towns, villages, * * * * public subdivision, and public quasi-corporation". (For public quasi-corporations see D'Arcourt v. Little River Drainage District, 212 Mo. App. 610, 245 S. W. 394.)

Substitution of "shall be construed to include" for "it is intended to include".

"having the power to tax" for "possessing the power to levy taxes".)

ALROY S. PHILLIPS
FRANK B. WILLIAMS
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ALLEN McREYNOLDS

√

ENGROSSED

FILE NO. 19

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

ARTICLE X.

Reported from the Committee on Taxation—Levy, Assessment and Collection.—No. 10, May 3, 1944, with recommendation that the Committee Substitute for Proposals Nos. 1, 12, 17, 26, 34, 35, 39, 51, 52, 55, 79, 127, 131, 135, 158, 168, 192, 206, 208, 209, 228, 255, 260, 262, 303, 312, 313, (Sections 18, 21, 22 and 23, Art. X), 317, 319, 332, 343 and 368 be adopted; Proposals Nos. 42, 53, 58, 204, 241, 265, 302 and 348 be rejected.

Taken up August 30, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment, August 30. 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 13, 1944.

Read 2nd time September 19, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 19 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment September 19, 1944.

Engrossed File No. 19 reported from the Committee on Phraseology, Arrangement and Engrossment September 19, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE X

DEPARTMENT OF REVENUE TAXATION

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 19, respectfully reports that it has examined its report and all amendments thereto as adopted and ordered engrossed by the Convention on September 19, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 19

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE X

DEPARTMENT OF REVENUE

TAXATION

Present Constitution	Engrossed File	Origin
	ARTICLE —	(Note. This file could be transferred to File No. 14, Department of Revenue.)
ARTICLE X	DEPARTMENT OF REVENUE	
REVENUE AND TAXATION	TAXATION	
Section 1. Taxing power, how exercised.—The taxing power may be exercised by the general assembly for state purposes, and by counties and other municipal corporations, under authority granted to them by the general assembly, for county and other corporate purposes.	Section 1. The taxing power may be exercised by the general assembly for state purposes, and by counties and other political subdivisions under **power** granted to them by the general assembly for county, municipal and other corporate purposes.	Section 1 of Article X.
Sec. 2. Power to tax corporations not to be surrendered.—The power to tax corporations and corporate property shall not be surrendered or suspended by act of the general assembly.	Section 2. The power **to tax** shall not be surrendered, suspended **or contracted away, except as authorized by this Constitution.**	Section 2.

Sec. 3. Taxes for public purposes only—must be uniform.—Taxes may be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and all taxes shall be levied and collected by general laws.

Section 3.

Section 3. Taxes may be levied and collected for public purposes only, and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. All taxes shall be levied and collected by general laws **and shall be payable during the fiscal or calendar year in which the property is assessed. Except as otherwise provided in this Constitution, the method of determining the value of property for taxation shall be fixed by law.**

New Section.

Section 4. **All taxable property shall be classified for tax purposes as follows: Class 1, real property; Class 2, tangible personal property; Class 3, intangible personal property. The general assembly, by general law, may provide for further classification within Classes 2 and 3, based solely on the nature and characteristics of the property, and not on the nature, residence or business of the owner, or the amount owned. Nothing in this section shall prevent the taxing of franchises, privileges or incomes, or the levying of excise or motor vehicle license taxes, or any other taxes of the same or different types.**

Property in Classes 1 and 2 and subclasses of Class 2, shall be assessed for tax purposes at its value or such per-

See sections 2 and 6 of Phraseology Report No. 1 on the Department of Highways (File No. 18).

centage of its value as may be fixed by law for each class and for each subclass of Class 2. Property in Class 3 and its subclasses shall be taxed only to the extent authorized and at the rate fixed by law for each class and subclass, and the tax shall be based on the annual yield and shall not exceed eight per cent thereof.

All taxes on property in Class 3 and its subclasses, and the tax under any other form of taxation substituted by the general assembly for the tax on bank shares, shall be assessed, levied and collected by the state and returned as provided by law, less two per cent for collection, to the counties and other political subdivisions of their origin, in proportion to the respective local rates of levy.

Sec. 4. Taxes in proportion to value—motor vehicle license tax.—All property subject to taxation shall be taxed in proportion to its value: *Provided*, that all motor vehicles subject to taxation in this State shall be subject to license taxes, the rate for state and municipal purposes to be fixed by the General Assembly; so long as any road bonds of the State authorized by section 44a, of article IV, of the Constitution, are oustanding

Omitted by Convention as recommended in Report of Committee No. 10, page 12.

a sufficient amount of such license taxes collected by the State shall be and stand appropriated without legislative action, for and to the payment of the principal and interest of such bonds, and the remainder of such funds less the cost and expenses of collection and the cost of maintaining any state highway department, of commission, shall be used in road and bridge construction and maintenance of roads in such manner as may be prescribed by law.

Sec. 5. Railway corporations—for what purposes—on what property.—All railroad corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises and their capital stock.

Section 5. All railroad corporations in this state, or doing business therein, shall be subject to taxation for state, county, school, municipal and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises and their capital stock.

Section 5.

Sec. 6. Property exempt from taxation.—The property, real and personal, of the State, counties and other municipal corporations, and cemeteries, shall be exempt from taxation. Lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such

Section 6. All property, real and personal, of the state, counties and other political subdivisions, and **non-profit** cemeteries, shall be exempt from taxation; and **all property,** real **and personal, not held for private or corporate profit** and used exclusively for religious worship, for schools **and colleges,** for purposes purely charitable, or for agri-

Sections 6 and 7.

cities or towns, to the extent of five acres, with the buildings thereon, may be exempted from taxation, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable, also, such property, real or personal, as may be used exclusively for agricultural or horticultural societies: *Provided*, that such exemptions shall be only by general law.

Sec. 7. Other exemptions void.—All laws exempting property from taxation, other than the property above enumerated, shall be void.

cultural and horticultural societies may be exempted from taxation by general law. **All laws exempting from taxation property other than the property enumerated in this article, shall be void.**

Section 7. **For the purpose of encouraging forestry when lands are devoted exclusively to such purpose, and the reconstruction, redevelopment and rehabilitation of obsolete, decadent or blighted areas, the general assembly by general law, may provide for such partial relief from taxation of the lands devoted to any such purpose, and of the improvements thereon, by such method or methods, for such period or periods of time, not exceeding twenty-five years in any instance, and upon such terms, conditions, and restrictions as it may prescribe.**

New Section.

Section 8. **For fifteen years from the day this Constitution takes effect**

New Section.

the general assembly shall appropriate for each year out of the general revenue fund, an amount not less than that produced annually at a tax rate of one cent on each one hundred dollars assessed valuation of the real and tangible personal property taxable by the state, for the exclusive purpose of providing a state park fund to be expended and used by the agency authorized by law to control and supervise state parks, for the purposes of the acquisition, supervision, operation, maintenance, development, control, regulation and restoration of state parks and state park property as may be determined by such agency; and thereafter the general assembly shall appropriate such amounts as may be reasonably necessary for such purposes.

Sec. 8. Rate for State purposes.—The State tax on property, exclusive of the tax necessary to pay the bonded debt of the State, shall not exceed twenty cents on the hundred dollars valuation; and whenever the taxable property of the State shall amount to nine hundred million dollars, the rate shall not exceed fifteen cents.

Section 9. The state tax on **real and tangible personal** property, exclusive of the tax necessary to pay **any** bonded debt of the state, shall not exceed **ten cents** on the hundred dollars **assessed** valuation.

Section 8.

Sec. 9. Liability of municipalities—no commutation.—No county, city, town or other municipal corporation, nor the

Omitted by Convention as recommended in Report of Committee No. 10, page 12.

inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

Sec. 13. Private property not to be sold for municipal debt.—Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

Section 10. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

Section 13.

Sec. 10. General Assembly shall not tax for municipal purposes.—The General Assembly shall not impose taxes upon counties, cities, towns or other municipal corporations or upon the inhabitants or property thereof, for county, city, town or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Section 11. **Except as provided in this Constitution,** the general assembly shall not impose taxes upon counties or other political subdivisions or upon the inhabitants or property thereof for municipal, county or other corporate purposes.

Nothing in this Constitution shall prevent the enactment of general laws directing the payment of funds collected for state purposes to counties or other political subdivisions as state aid for local purposes.

Section 10. See section 1, supra.

Section 11 (a). **No law shall be enacted creating or fixing the powers, duties or compensation of any municipal office or employment, for any city framing or adopting its own charter under this or any previous Constitution,**

New Section.

(Note. This section should be transferred and made section 27 of File No. 12 on Local Government).

AMENDMENT OF 1942

Section 11. Taxes for county, city, town and school purposes may be levied on all subjects and objects of taxation; but the valuation of property therefor shall not exceed the valuation of the same property in such town, city or school district for State and county purposes. For county purposes the annual rate on property, in counties having thirty million dollars or less, shall not exceed fifty cents on the hundred dollars valuation; and in counties having thirty million dollars or more, said rate shall not exceed thirty-five cents on the hundred dollars valuation. For city and town purposes the annual rate on property in cities and towns having thirty thousand inhabitants or more shall not, in the aggregate, exceed one hundred cents on the one hundred dollars valuation; in cities and towns having less than thirty thousand and over ten thousand inhabitants, said rate shall not exceed sixty cents on the hundred dollars valuation; in cities and towns having less than ten thousand and more than one thousand inhabitants, **and all such offices or employments heretofore created shall cease at the end of the terms of any present incumbents.**

See section 20(e) of Engrossed File No. 12.

Section 12. Taxes **may be levied by counties and other political subdivisions on all property subject to their taxing power,** but the **assessed** valuation therefor in such other political subdivisions shall not exceed the assessed valuation of the same property for state and county purposes.

Section 11 of 1942.

Sec. 1, supra.

Sec. 10, supra.

Any tax imposed upon such property by municipalities, counties or school districts, for their respective purposes, shall not exceed the following annual rates:

For municipalities,—one dollar on the hundred dollars assessed valuation;

For counties,—thirty-five cents on the hundred dollars assessed valuation in counties having **three hundred million dollars,** or more, assessed valuation, **and fifty cents on the hundred dollars assessed valuation in all other counties;**

For school districts **formed of cities and towns,—one dollar** on the hundred dollars assessed valuation, **except that in the City of St. Louis the annual**

said rate shall not exceed fifty cents on the hundred dollars valuation; and in towns having one thousand inhabitants, or less, said rate shall not exceed twenty-five cents on the hundred dollars valuation. For school purposes in districts composed of cities which have one hundred thousand inhabitants or more, the annual rate on property shall not exceed sixty cents on the hundred dollars valuation and in other districts forty cents on the hundred dollars valuation: *Provided*, the aforesaid annual rates for school purposes may be increased, in districts formed of cities and towns, to an amount not to exceed one dollar on the hundred dollars valuation, and in other districts to an amount not to exceed sixty-five cents on the hundred dollars valuation, on the condition that a majority of the voters who are taxpayers, voting at an election held to decide the question, vote for said increase. For the purpose of erecting public buildings in counties, cities or school districts, the rate of taxation herein limited may be increased when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and two-thirds of the qualified voters of such county, city or school district, rate shall not exceed eighty-nine cents on the hundred dollars assessed valuation;

For all other school districts, —sixty-five cents on the hundred dollars assessed valuation.

In all municipalities, counties and school districts the rates of taxation as herein limited may be increased for their respective purposes for not to exceed four years, when the rate and purpose of the increase are submitted to a vote and two-thirds of the qualified electors voting thereon shall vote therefor; providing that the rates herein fixed, and the amounts by which they may be increased, may be further limited by law; and provided further, that any county or other political subdivision, when authorized by law and within the limits fixed by law, may levy a rate of taxation on all property subject to its taxing powers in excess of the rates herein limited, for library, hospital, public health, recreation grounds and museum purposes.

The City of St. Louis may levy for county purposes, in addition to the municipal rates herein provided, a rate not exceeding the rate allowed for county purposes.

voting at such election, shall vote therefor. The rate herein allowed to each county shall be ascertained by the amount of taxable property therein, according to the last assessment for State and county purposes, and the rate allowed to each city or town by the number of inhabitants, according to the last census taken under the authority of the State, or of the United States; said restrictions as to rates shall apply to taxes of every kind and description, whether general or special, except taxes to pay valid indebtedness now existing, or bonds which may be issued in renewal of such indebtedness: *Provided*, that the city of St. Louis may levy for municipal purposes, in addition to the municipal rate of taxation above provided, a rate not exceeding the rate which would be allowed for county purposes if said city were part of a county.

The foregoing limitations on rates shall not apply to taxes levied for the purpose of paying any bonded debt.

Nothing in this Constitution shall prevent the enactment of any general law permitting any county or other political subdivision to levy taxes other than ad valorem taxes for its essential purposes.

ARTICLE X

Section 27. In school districts formed of cities and towns in counties having a population in excess of 200,000 inhabitants and not more than 450,000 inhabitants, and in consolidated school districts, in said counties, the board of directors of such school districts, with the consent of two-thirds of the voters

FROM ENGROSSED FILE NO. 13.

Section 4. In school districts formed of cities and towns in counties having MORE THAN 200,000 and not more than 450,000 inhabitants, and in consolidated school districts in such counties, the board of directors of such school districts, with the consent of two-thirds of the QUALIFIED ELECTORS

Ordered transferred by Convention without adoption. Journal of September 14, 1944, pages 21-22.

thereof voting on such proposal at an election being held for that purpose, may levy on all subjects and objects of taxation and collect in the same manner as other school taxes are collected a special tax for school purposes not exceeding in any one year One Dollar on the One Hundred Dollars valuation of taxable property in addition to the taxes authorized to be levied for school purposes within the limits provided by Section 11, Article 10 of the Constitution of this State; and the power hereby given said board of directors of said school districts is declared to be a discretionary power.

thereof voting THEREON at an election held for THE purpose, may levy on all subject and objects of taxation and collect in the same manner as other school taxes are collected, a special tax for school purposes not exceeding in any one year one dollar on the one hundred dollars valuation of taxable property in addition to the taxes authorized to be levied for school purposes within the limits provided by THIS Constitution; and the power hereby given said boards is declared to be a discretionary power.

Sec. 22. Special road and bridge tax.—In addition to taxes authorized to be levied for county purposes under and by virtue of section 11, article X of the Constitution of this State, the county court in the several counties of this State not under township organization, and the township board of directors in the several counties under township organization, may, in their discretion, levy and collect, in the same manner as State and county taxes are collected, a special tax not exceeding twenty-five cents on each $100 valuation, to be used for road and bridge purposes, but for no other purpose whatever; and

Section 13. In addition to the rates authorized in section 12 for county purposes, the county court in the several counties not under township organization, the township board of directors in the counties under township organization, **and the proper administrative body in counties adopting an alternative form of government,** may levy an additional tax, not exceeding **thirty-five** cents on each hundred dollars assessed valuation, **all of such tax to be collected and turned in to the county treasury** to be used for road and bridge purposes. In addition to the **above** levy for road and bridge purposes, it shall be the

Sections 22 and 23.

the power hereby given said county courts and township boards is declared to be a discretionary power.

Sec. 23. Special road tax by road district.—In addition to the taxes now authorized to be levied for county purposes, under and by virtue of section 11 of article 10 of the Constitution of this State, and in addition to the special levy for road and bridge purposes authorized by section 22 of article X of the Constitution of this State, it shall be the duty of the county court of any county in this State, when authorized so to do by a majority of the qualified voters of any road district, general or special, voting thereon at an election held for such purpose to make a levy of not to exceed fifty cents on the one hundred dollars valuation on all property within such district, to be collected in the same manner as state and county taxes are collected, and placed to the credit of the road district authorizing such special levy. It shall be the duty of the county court, on petition of not less than ten qualified voters and taxpayers residing within any such road district, to submit the question of authorizing such special election to be held for that purpose, duty of the county court, when **so** authorized by a majority of the qualified electors of any road district, general or special, voting thereon at an election held for such purpose, to make an **additional** levy of not to exceed **thirty-five** cents on the hundred dollars assessed valuation on all **taxable real and tangible personal** property within such district, to be collected in the same manner as state and county taxes, and placed to the credit of the road district authorizing such levy, **such election to be called and held in the manner provided by law.**

Nothing in this section shall prevent the refund of taxes collected hereunder to cities and towns for road and bridge purposes.

within twenty days after filing of such petition.

Section 14. **No real property shall be sold for state, county or city taxes without judicial proceedings, unless the notice of sale shall contain the names of all record owners thereof, or the names of all owners appearing on the land tax book, and all other information required by law.**

New Section.

Sec. 18. State Board of Equalization—members—duties.—There shall be a State Board of Equalization, consisting of the Governor, State Auditor, State Treasurer, Secretary of State and Attorney General. The duty of said board shall be to adjust and equalize the valuation of real and personal property among the several counties in the State, and it shall perform such other duties as are or may be prescribed by law.

Section 15. **The general assembly shall establish a commission, to be appointed by the governor by and with the advice and consent of the senate,** to equalize assessments as between counties and, **under such rules as may be prescribed by law, to hear appeals from local boards in individual cases and, upon such appeal, to correct any assessment which is shown to be unlawful, unfair, arbitrary or capricious.** Such commission shall perform **all** other duties prescribed by law.

Section 18.

Section 16. **The general assembly shall have no power to impose a use or sales tax upon the use, purchase or acquisition of property paid for out of the funds of any county or other political subdivision.**

New Section.

Section 17. **The terms "other political subdivision", "other legal subdivisions of the state" of "other political corporation or subdivision of the state" as used in this article, shall be construed to include townships, cities, towns, villages, school, road, drainage, sewer and levee districts and any other public subdivision, public corporation or public quasi-corporation having the power to tax.**

New Section.

Sec. 14. Ordinance 1865, tax abolished—tax to pay bonded State debt.—The tax authorized by the sixth section of the ordinance adopted June sixth, one thousand eight hundred and sixty-five, is hereby abolished, and hereafter there shall be levied and collected an annual tax sufficient to pay the accuring interest upon the bonded debt of the State, and to reduce the principal thereof each year by a sum not less than two hundred and fifty thousand dollars; the proceeds of which tax shall be paid into the state treasury, and appropriated and paid out for the purposes expressed in the first and second subdivisions of section forty-three of article IV of this Constitution. The funds and resources now in the State interest and State sinking funds shall be appropriated to the same purposes; and whenever said bonded

Omitted by Convention as recommended in Report of Committee No. 10, page 12.

debt is extinguished, or a sum sufficient therefor has been raised, the tax provided for in this section shall cease to be assessed.

Sections 15, 16 and 17 (See engrossed section 15 of File No. 16 on the Executive Department).

Section 19. (See engrossed section 2 of File No. 14 on the Department of Revenue).

Section 20. (See engrossed section 15 of File No. 14 on the Department of Revenue).

Sec. 21. Corporations—fees to be paid when incorporated or capital stock increased—exceptions—franchises.—No corporation, company or association, other than those formed for benevolent, religious, scientific or educational purposes, shall be created or organized under the laws of this State, unless the persons named as corporators shall, at or before the filing of the articles of association or incorporation, pay into the State treasury fifty dollars for the first fifty thousand dollars or less of capital stock, and a further sum of five dollars for every additional ten thousand dollars of its capital stock. And no such corporation, company or association shall

File 19

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Omitted by Convention as recommended in Report of Committee No. 10, page 12.

increase its capital stock without first paying into the treasury five dollars for every ten thousand dollars of increase: *Provided*, that nothing contained in this section shall be construed to prohibit the General Assembly from levying a further tax on the franchises of such corporation.

Section 26. (See engrossed section 4 of File No. 13 on the Department of Education).

ALROY S. PHILLIPS
Chairman

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FILE NO. 20

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

NEW ARTICLE

Reported from the Committee on Public Health and Public Welfare and Federal Relations with Respect Thereto.—No. 17, June 15, 1944, with recommendation that the Committee Substitute for Proposals Nos. 23, 119, 167, 176, 185, 261, 272, 281, 288, 357 and 376 be adopted; Proposals Nos. 19, 210, 221, 285 and Section 1 of 298 be rejected.

R. E. L. MARRS, Secretary.

Report of the Committee on Public Health and Public Welfare and Federal Relations with Respect Thereto, No. 17.

Mr. President:

The original report of your Committee on Public Health and Public Welfare and Federal Relations with Respect Thereto, designated as Standing Committee No. 17, included Majority and Minority reports. Upon the suggestion that it was believed a unified report could be agreed upon by the Committee, the Convention, on the 28th day of April, 1944, returned File No. 5 to the Committee.

We are pleased to report that by the unanimous vote of all the members of the Committee* the following is presented as a Committee Substitute for Proposals No. 23, 119, 167, 176, 185, 261, 272, 281, 288, 357 and 376, (in sections 1 to 3 inclusive,) and we recommend that it be incorporated in the Constitution of Missouri as a separate article, entitled "Public Welfare."

PUBLIC WELFARE

Section 1. The health and general welfare of the people are primary concerns of the Government. The General Assembly, subject to other provisions of this Constitution, shall have power to provide for the public health and general welfare, either by general laws or by granting authority within prescribed limits to counties, cities, towns or other political subdivisions.

Section 2. The General Assembly may pass laws and make appropriations for preserving and perpetuating memorials of the history of Missouri by means of parks, buildings, monuments, statues, paintings, and documents of historical value, and by other means, and pass laws to preserve places of historic or archaeological interest or of scenic beauty within the State, and for such purposes private property or the use thereof may be acquired by gift, or purchase, or condemnation or subjected to reasonable regulation and control.

Section 3. In all matters of public welfare, the General Assembly shall have power to provide by law for cooperation with the Federal government and with other states.

Your Committee recommends that Proposals No. 19 by Delegate J. A. Hemphill, No. 210 by Delegate O. C. Tee, No. 221 by Delegate Richard S. Righter, No. 285 by Delegate V. E. Phillips, and Section 1 of No. 298 by Delegate Frank B. Williams, be rejected.

All proposals referred to this Committee are returned herewith to the Convention.

Committee on Public Health and Public Welfare and Federal Relations with Respect Thereto, No. 17.

C. S. DUNCAN
HELEN M. CROME
CLEM F. STORCKMAN
AMANDA D. HARGIS
M. E. GOUGE
L. E. MEADOR
F. L. McCLUER
JOS. R. SLAY
A. G. TAUBERT
FRANK B. WILLIAMS
ISRAEL A. SMITH
Chairman.

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*Delegate J. Fred Koenig resigned effective June 1, 1944.

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FILE NO. 20

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

NEW ARTICLE.

Reported from the Committee on Public Health and Public Welfare and Federal Relations with Respect Thereto.—No. 17, June 15, 1944, with recommendation that the Committee Substitute for Proposals Nos. 23, 119, 167, 176, 185, 261, 272, 281, 288, 357 and 376 be adopted; Proposals Nos. 19, 210, 221, 285 and Section 1 of 298 be rejected.

Taken up August 29, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 29, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 13, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE —

PUBLIC HEALTH AND WELFARE

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 20 respectfully reports that it has examined the report of Committee No. 17 on Public Health and Public Welfare and Federal Relations with Respect Thereto, and all amendments thereto, and it herewith reports said file as adopted by the Convention on August 29, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

FILE NO. 20

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE —

PUBLIC HEALTH AND WELFARE

As Adopted by the Convention

ARTICLE —

PUBLIC WELFARE.

Section 1. The PROTECTION AND PROMOTION OF THE health and general welfare of the INHABITANTS OF THE STATE ARE MATTERS OF PRIMARY public concern, AND to CONSERVE the same the General Assembly shall by general law provide for a Department of Public Health and Welfare; and it may, within prescribed limits, grant AUTHORITY with respect thereto to counties, cities, TOWNS or other political subdivisions.

As Suggested by the Committee.

ARTICLE —

PUBLIC HEALTH AND WELFARE

Section 1. The health and general welfare of the people are matters of primary public concern; and to secure them the general assembly shall establish a department of public health and welfare, and may grant power with respect thereto to counties, cities or other political subdivisions of the state.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"people" for "inhabitants of the State". (See engrossed section 4 of File No. 8).

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"to secure" for "to conserve". (See engrossed section 4 of File No. 8.)
"power" for "authority".
Insertion of "of the state" at end of the section.)

Section 1a. THE STATE TRAINING AND INDUSTRIAL SCHOOLS for boys and girls shall be classified as educational institutions, AND SHALL BE MANAGED AND DIRECTED BY a bipartisan board of trustees, CONSISTING of six MEMBERS, appointed by the Governor, ON CONFIRMATION OF THE SENATE. All of the employees UNDER the board shall be UNDER THE MERIT SYSTEM as provided IN THIS CONSTITUTION for eleemosynary institutions.

Section 2. All state training schools and industrial homes for boys and girls shall be classified as educational institutions and shall be in charge of a board of six trustees, three from each of the two major political parties, appointed by the governor by and with the advice and consent of the senate. All employees of the board shall be selected and removed as provided for employees in the state eleemosynary institutions.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"All state training schools and industrial homes for boys and girls" for "The State Training and Industrial Schools" (See section 8972 R. S. 1939).
"and shall be in charge of" for "and shall be managed and directed by". (See engrossed section 1 of File No. 14).

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"by and with the advice and consent of the senate" for "on confirmation of the Senate".

"of the board" for "under the board".

"selected and removed" for "under the merit system".

"for employees in the state eleemosynary institutions" for "in this constitution for eleemosynary institutions".

Insertion of "three from each of the two major political parties" (See sections 7 and 7a of Committee reports on Files Nos. 17 and 21).

Change of section number from 1a to 2.)

Section 2. The General Assembly may PASS laws and make appropriations FOR PRESERVING AND PERPETUATING memorials of the history of MISSOURI by MEANS OF parks, buildings, monuments, statues, paintings, AND documents of historical value, AND by other means, and pass laws to preserve places of historic or archaeological interest or OF scenic beauty, and for such purposes private property or the use thereof may be acquired

Section 3. The general assembly may enact laws and make appropriations to preserve and perpetuate memorials of the history of the state by parks, buildings, monuments, statues, paintings, documents of historical value or by other means, and to preserve places of historic or archaeological interest or scenic beauty, and for such purposes private property or the use thereof may be acquired by gift, purchase, or eminent domain or be subjected to reasonable regulation or control.

by gift, or purchase, or CONDEMNATION OR SUBJECTED to reasonable regulation and control.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"enact laws" for "pass laws".

"to preserve and perpetuate" for "for preserving and perpetuating".

"of the state" for "of Missouri".

"or" for "and".

"eminent domain" for "condemnation".

"or be subjected" for "or subjected".

Change of section number from 2 to 3.)

Section 3. In all matters of public welfare, the General Assembly SHALL HAVE POWER TO provide by law for cooperation with the FEDERAL GOVERNMENT AND WITH other states.

Section 4. In all matters of public welfare the general assembly may provide by law for cooperation with the United States, or other states.

(Changes. Omission of capitalization and bold faced words.

Substitutions:

"may" for "shall have power to"

"United States" for "federal government"
"or other states" for "and with other states".

Change of section number from 3 to 4.)

ALROY S. PHILLIPS
FRANK B. WILLIAMS
HOWARD C. POTTER
JAMES E. SATER
MEREDITH GARTEN
RICHARD S. RIGHTER
THOS C. HENNINGS, SR.
ALLEN McREYNOLDS

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ENGROSSED

FILE NO. 20

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

NEW ARTICLE.

Reported from the Committee on Public Health and Public Welfare and Federal Relations with respect thereto.—No. 17, June 15, 1944, with recommendation that the Committee Substitute for Proposals Nos. 23, 119, 167, 176, 185, 261, 272, 281, 288, 357, and 376 be adopted; Proposals Nos. 19, 210, 221, 285 and Section 1 of 298 be rejected.

Taken up August 29, 1944. Report adopted, as amended.

Referred to the Committee on Phraseology, Arrangement and Engrossment August 29, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 13, 1944.

Read 2nd time September 18, 1944.

Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 20 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment September 18, 1944.

Engrossed File No. 20 reported from the Committee on Phraseology, Arrangement and Engrossment September 19, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE —

PUBLIC HEALTH AND WELFARE

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 20, respectfully reports that it has examined its report and all amendments thereto adopted and ordered engrossed by the Convention on September 18, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

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ENGROSSED FILE NO. 20

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE —.

PUBLIC HEALTH AND WELFARE

Present Constitution	Engrossed File	Origin
BILL OF RIGHTS ARTICLE II	ARTICLE — PUBLIC HEALTH AND WELFARE	
Section 4. That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty and the enjoyment of the gains of their own industry; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails of its chief design.	Section 1. THE HEALTH and general welfare of the people are matters of PRIMARY PUBLIC CONCERN; and TO SECURE THEM THE GENERAL ASSEMBLY SHALL ESTABLISH A DEPARTMENT OF PUBLIC HEALTH AND WELFARE, AND MAY GRANT POWER WITH RESPECT THERETO TO COUNTIES, CITIES OR OTHER POLITICAL SUBDIVISIONS OF THE STATE.	New section based on Section 4 of Article IV.
	Section 2. ALL STATE TRAINING SCHOOLS AND INDUSTRIAL	New section. See section 8972 R. S. 1939. See engrossed sections 12 and

HOMES FOR BOYS AND GIRLS SHALL BE CLASSIFIED AS EDUCATIONAL INSTITUTIONS AND SHALL BE IN CHARGE OF A BOARD OF SIX TRUSTEES, THREE FROM EACH OF THE TWO MAJOR POLITICAL PARTIES, APPOINTED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. ALL EMPLOYEES OF THE BOARD SHALL BE SELECTED AND REMOVED AS PROVIDED FOR EMPLOYEES IN THE STATE ELEEMOSYNARY INSTITUTIONS.

19 of Phraseology Report No. 1 on File No. 16.

(Note: This section could be transferred to the article on the Executive Department (File No. 16) or the article on Education (File No. 13.)

Section 3. THE GENERAL ASSEMBLY MAY ENACT LAWS AND MAKE APPROPRIATIONS TO PRESERVE AND PERPETUATE MEMORIALS OF THE HISTORY OF THE STATE BY PARKS, BUILDINGS, MONUMENTS, STATUES, PAINTINGS, DOCUMENTS OF HISTORICAL VALUE OR BY OTHER MEANS, AND TO PRESERVE PLACES OF HISTORIC OR ARCHAEOLOGICAL INTEREST OR SCENIC BEAUTY, AND FOR SUCH PURPOSES PRIVATE PROPERTY OR THE USE THEREOF MAY BE ACQUIRED BY GIFT, PURCHASE, OR EMINENT DOMAIN OR BE SUBJECTED

New Section.

(Note: This section should be transferred to the article on the Legislative Department (File No. 17).

TO REASONABLE REGULATION OR CONTROL.

Section 4. IN ALL MATTERS OF PUBLIC WELFARE THE GENERAL ASSEMBLY MAY PROVIDE BY LAW FOR COOPERATION WITH THE UNITED STATES, OR OTHER STATES.

New Section.

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FILE NO. 21

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

Reported from the Committee on Congressional, State Senatorial and Representative Districts.—No. 16, June 28, 1944, with recommendation that the enclosed changes to File No. 17 on Article IV be adopted; Supplemental Report recommending additional Section to File No. 17; Proposals Nos. 13, 22, 54, 130, 170, 269, 291, 315, 344, 363 and 369 without recommendation.

R. E. L. MARRS, Secretary.

REPORT OF COMMITTEE NO. 16 ON CONGRESSIONAL, STATE SENATORIAL AND REPRESENTATIVE DISTRICTS.

Mr. President:

Your Committee No. 16 on Congressional, State Senatorial and Representative Districts to which was referred Proposals Nos. 13, 22, 54, 130, 170, 269, 291, 315, 344, 363 and 369, begs leave to report that it has carefully considered the same and herewith returns all of said proposals to the Convention without recommendation, and in lieu thereof reports as follows:

1. This Committee has considered the following recommendations in the majority Report of Committee No. 3 on the Legislative Department in File No. 17, which is on the calendar for perfection before the report of this Committee, and we make the following recommendations thereon.

2. Section 2 of Article IV

As recommended in File No. 17

Section 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained AT EACH APPORTIONING SESSION OF THE GENERAL ASSEMBLY, by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio shall be entitled to two Representatives; each county having four times said ratio shall be entitled to three Representatives; each county having six times such ratio shall be entitled to four Representatives, and so on above that number, giving one additional member for every two and a half additional ratios.

As recommended by this Committee

Section 2. The house of representatives shall consist of members chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be the whole number of inhabitants of the state according to the last decennial census of the United States, divided by the number two hundred. Each county having one ratio, or less, shall be entitled to one representative; each county having two and a half times the ratio shall be entitled to two representatives; each county having four times the ratio shall be entitled to three representatives; each county having six times the ratio shall be entitled to four representatives, and so on above that number, giving one additional member for every two and a half additional ratios. ON THE TAKING OF EACH DECENNIAL CENSUS OF THE UNITED STATES THE SECRETARY OF STATE SHALL FORTHWITH CERTIFY TO THE RESPECTIVE COUNTY COURTS OR BOARDS OF ELECTION COMMISSIONERS THE NUMBER OF REPRESENTATIVES TO WHICH EACH COUNTY IS ENTITLED.

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Section 2 of File No. 17 is the same as Section 2 of Article IV of the Constitution of 1875, and aside from unimportant differences in phraseology, it differs from the section as recommended by this Committee only in the omission of the words "at each apportioning session of the General Assembly" and in the addition of the last sentence.

The words above quoted should be omitted for the reason that they require an act of the general assembly before an apportionment of the House can be made, and such an act is unnecessary because the apportionment is a mere matter of arithmetical computation which should be done by the Secretary of State, as provided in the last sentence.

The mere failure to pass such an act in 1941 and 1943 resulted in giving the City of St. Louis one more representative, Jackson County one less and St. Louis County four less, than they are entitled to under the Constitution.

After making the House apportionments itself for many years Congress passed the Acts of June 18, 1929, April 25, 1940 and November 15, 1942 (U.S.C.A. Title 2, sections 2(a)-(c)), under which the Clerk of the House makes the calculation from the census and certifies to each governor the number of representatives to which his state is entitled.

We therefore recommend that the precedent established by Congress be followed.

3. Section 8 of Article IV.

Section 8 of the majority Report of Committee No. 3 in File No. 17 reads:

> Section 8. Until apportionment of the Representatives can be made in accordance with the provisions of this Article The House of Representatives shall consist of 154 members, which shall be divided among the several counties of the State as follows: The County of

> Buchanan shall have three; the County of Greene shall have three; the County of Jackson shall have eleven; the County of Jasper shall have three; the City of St. Louis shall have eighteen, and the County of St. Louis shall have seven, and each of the other counties in the State one.

This section correctly apportions the state for representatives according to the Constitution. If the above recommendation as to section 2 is adopted, this section can be deleted as unnecessary for the reason that the apportionment would be made by the Secretary of State.

4. Sections 5 and 9 of Article IV

As recommended in File No. 17

Section 5. The Senate shall consist of thirty-four members, to be chosen by the qualified voters of their respective districts for four years. For the election of Senators the State shall be divided into convenient districts, as nearly equal in population as may be, THE SAME TO BE ASCERTAINED BY THE LAST DECENNIAL CENSUS TAKEN BY THE UNITED STATES.

Section 9. Senatorial and Representative districts MAY BE ALTERED, FROM TIME TO TIME, AS PUBLIC CONVENIENCE may require. When any Senatorial district shall be composed of two or more counties, they shall be CONTIGUOUS; such districts to be as COMPACT as may be, AND IN THE FORMATION OF THE SAME NO COUNTY SHALL BE DIVIDED.

As recommended by this Committee

Section 5. The senate shall consist of thirty-four members elected by the qualified voters of their respective districts for four years. For the election of senators the state shall be divided into convenient districts of contiguous territory, as compact and as nearly equal in population as may be, and in the making of districts composed of more than one county no county shall be divided.

Section 9. The last decennial census of the United States shall be used in determining the population of senatorial and representative districts. Such districts may be altered from time to time as public convenience may require.

Our Section 5 takes out of section 5 of File 17 the reference to the census and puts it in our section 9 where it is applicable to both senatorial and representative apportionments. Our section 5 takes out of Section 9 of File 17 the provisions as to compactness and as to not dividing counties in districts of more than one county. These changes make it unnecessary to refer to the census in other sections, and add compactness as a requirement of all senatorial districts instead of only districts of more than one county.

5. Section 7 of Article IV

In lines 11-12 of Section 7 of File No. 17 are the words

> No senatorial district shall contain less than three-fourths of a ratio.

We recommend that for these words the following be substituted in File No. 17.

> No senatorial district shall vary from the ratio by more than one-fourth of a ratio.

While File No. 17 establishes a floor or minimum for the district population, it establishes no ceiling or maximum. Lack of a maximum population opens the way to putting a large excess of population from a large number of small districts into one or a few districts each of whose population would be far in excess of the ratio.

The first two lines of section 7 of File No. 17 provide that the redistricting commission shall be appointed "immediately following the adoption of this Constitution". If the Convention decides to redistrict for senators it will be unnecessary for such a commission to be appointed until the next census. To provide for this contingency we recommend that the following section 7a be added to File No. 17 on perfection, and on third reading the Convention can adopt the one or the other according as it decides to redistrict.

Section 7a. Immediately following the taking of the next decennial census and immediately following the taking of each decennial census thereafter the governor, by and with the advice and consent of the senate, shall appoint a bi-partisan commission of ten members, five from each of the two major political parties, to redistrict the State into thirty-four senatorial districts. The population of the state shall be divided by the number thirty-four and the quotient shall be the ratio of representation in the senate. No senatorial district shall vary from the ratio by more than one-fourth of a ratio. A full statement of the districts formed by the commission, including the names of the counties embraced in each district and the numbers of the districts, shall be filed in the office of the secretary of state. The report of the commission must be approved by at least seven members. Hereafter senators shall be chosen from the districts provided for in this Constitution until the state has been redistricted as herein provided. If the commission fails to redistrict the state as herein provided within one year after their appointment and confirmation, the commission shall be deemed discharged and the senators to be elected at the next succeeding general election shall be elected at large and following said election a new commission shall be appointed with like powers as above set forth. The redistricting herein provided for shall not be subject to the referendum.

6. Section 3 of Article IV.

Your committee is evenly divided on the following changes in Section 3 of the majority report in File No. 17, and therefore hereby refers these changes back to the Convention without recommendation pursuant to its Rule No. 14.

(a). Strike out of section 3, page 2, line 2 of File No. 17 the words "the county court" and substitute in lieu thereof the words "body authorized by law to establish election precincts."

(b). Strike out of section 3, page 2, lines 9-10 of File No. 17 the words "circuit court", and insert in lieu thereof the words "body or bodies authorized by law to establish election precincts."

(c). Strike out of section 3, page 2, lines 11-12 of File No. 17 the words "so as to give each district not less than two nor more than four Representatives", and insert in lieu thereof the words "so as to give each district not more than two representatives."

(d). Add to section 3, page 2 of File No. 17 the words "Until such division is made all the representatives of the county shall be elected at large".

The division was not so much on the merits of these changes as on the question of whether this committee should recommend them or have the Convention decide them after hearing all the delegates from the counties affected. Those favoring decision by the Convention are delegates Searcy, Damron, FitzGibbon, Fogle, Gouge and McCluer, and those favoring a committee recommendation are delegates Crain, Kreamalmyer, Petts, Phillips (of St. Louis City), Robinson and Benecke.

7. Section 6 of Article IV.

Your committee is also evenly divided on the following changes in section 6 of the majority report in File No. 17, and therefore refers these changes back to the Convention without recommendation pursuant to its Rule No. 14.

(a). Strike out of section 6, page 3, line 10 of File No. 17 the words "Circuit Court", and insert in lieu thereof the words "body or bodies authorized by law to establish election precincts."

(b). Add to section 6, page 3 of File No. 17 the words "Until such division is made all the senators of the county shall be elected at large".

The members in favor of these changes are delegates Crain, Kreamalmyer, Petts, Phillips (of St. Louis City), Robinson and Benecke, and those opposed are delegates Searcy, Damron, FitzGibbon, Fogle, Gouge and McCluer.

8. Senatorial Redistricting.

Your committee is also evenly divided on the question of senatorial redistricting, and therefore refers it back to the Convention without recommendation pursuant to its Rule No. 14.

The members opposed to the Convention making any redistricting for senators are delegates Searcy, Damron, FitzGibbon, Fogle, Gouge and McCluer.

The members in favor of the Convention making a redistricting for senators are delegates Crain, Kreamalmyer, Petts, Phillips (of St. Louis City), Robinson and Benecke, who recommend the following.

Amend File No. 17, page 5, by adding after section 10 a new section reading as follows:

Section 10 (a). Until the State shall be divided into
2 Senatorial districts, in accordance with the provisions of this
3 Article, said districts shall be constituted and numbered
4 as follows:
5 FIRST DISTRICT: (Population 100173). The counties of
6 Andrew, Atchison, Gentry, Harrison, Holt, Nodaway,
7 and Worth.
8 SECOND DISTRICT: (Population 107929). The coun-
9 ties of Buchanan and Platte.
10 THIRD DISTRICT: (Population 112172). The counties
11 of Caldwell, Clay, Clinton, Daviess, DeKalb, Grundy
12 and Livingston.
13 FOURTH DISTRICT: (Population 111745). The coun-
14 ties of Carroll, Cooper, Lafayette, Ray and Saline.
15 FIFTH, SIXTH, SEVENTH AND EIGHTH DIS-
16 TRICTS: (Population 477828). The county of Jack-
17 son.

18 NINTH DISTRICT: (Population 103479). The counties
19 of Adair, Linn, Macon, Mercer, Putnam, Schuyler and
20 Sullivan.
21 TENTH DISTRICT: (Population 113653). The counties
22 of Boone, Callaway, Chariton, Howard and Randolph.
23 ELEVENTH DISTRICT: (Population 101133). The
24 counties of Audrain, Lincoln, Montgomery, Pike, St.
25 Charles and Warren.
26 TWELFTH DISTRICT: (Population 107741). The coun-
27 ties of Jasper and Newton.
28 THIRTEENTH DISTRICT: (Population 105126). The
29 counties of Clark, Knox, Lewis, Marion, Monroe, Ralls,
30 Scotland and Shelby.
31 FOURTEENTH DISTRICT: (Population 114890). The
32 counties of Barton, Bates, Cass, Cedar, Dade, St. Clair,
33 and Vernon.
34 FIFTEENTH DISTRICT: (Population 108519). The
35 counties of Benton, Camden, Henry, Johnson, Morgan
36 and Pettis.
37 SIXTEENTH DISTRICT: (Population 107941). The
38 counties of Greene and Polk.
39 SEVENTEENTH DISTRICT: (Population 98315). The
40 counties of Dallas, Douglas, Hickory, Laclede, Pulaski,
41 Webster and Wright.
42 EIGHTEENTH DISTRICT: (Population 109857). The
43 counties of Barry, Christian, Lawrence, McDonald,
44 Ozark, Stone and Taney.
45 NINETEENTH DISTRICT: (Population 91814). The
46 counties of Dunklin and Pemiscot.
47 TWENTIETH DISTRICT: (Population 107269.) The
48 counties of Carter, Dent, Howell, Oregon, Reynolds,
49 Ripley, Shannon and Texas.
50 TWENTY-FIRST DISTRICT: (Population 93313). The
51 counties of Mississippi, New Madrid and Scott.

52 TWENTY-SECOND DISTRICT: (Population 102633).
53 The counties of Bollinger, Butler, Madison, Stoddard
54 and Wayne.
55 TWENTY-THIRD DISTRICT: (Population 99988). The
56 counties of Cape Girardeau, Perry, St. Francois and Ste.
57 Genevieve.
58 TWENTY-FOURTH DISTRICT: (Population 106516).
59 The counties of Crawford, Franklin, Iron, Jefferson and
60 Washington.
61 TWENTY-FIFTH DISTRICT: (Population 112349). The
62 counties of Cole, Gasconade, Maries, Miller, Moniteau,
63 Osage and Phelps.
64 TWENTY - SIXTH AND TWENTY - SEVENTH DIS-
65 TRICTS: (Population 274230). The county of St.
66 Louis.
67 TWENTY-EIGHTH, TWENTY-NINTH, THIRTIETH,
68 THIRTY - FIRST, THIRTY - SECOND, THIRTY -
69 THIRD AND THIRTY - FOURTH DISTRICTS.
70 (Population 816048). The city of St. Louis.

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For the information of the delegates there is hereto attached the following map showing the above districts and their population.

Respectfully submitted,

*L. N. SEARCY, Chairman
ALROY S. PHILLIPS
R. W. BENECKE
R. B. PETTS
C. P. DAMRON
M. E. GOUGE
WILLIAM T. ROBINSON
ALBERT KREAMALMYER
JOE C. CRAIN
*E. E. FOGLE
F. L. McCLUER
*RICHARD J. FITZGIBBON

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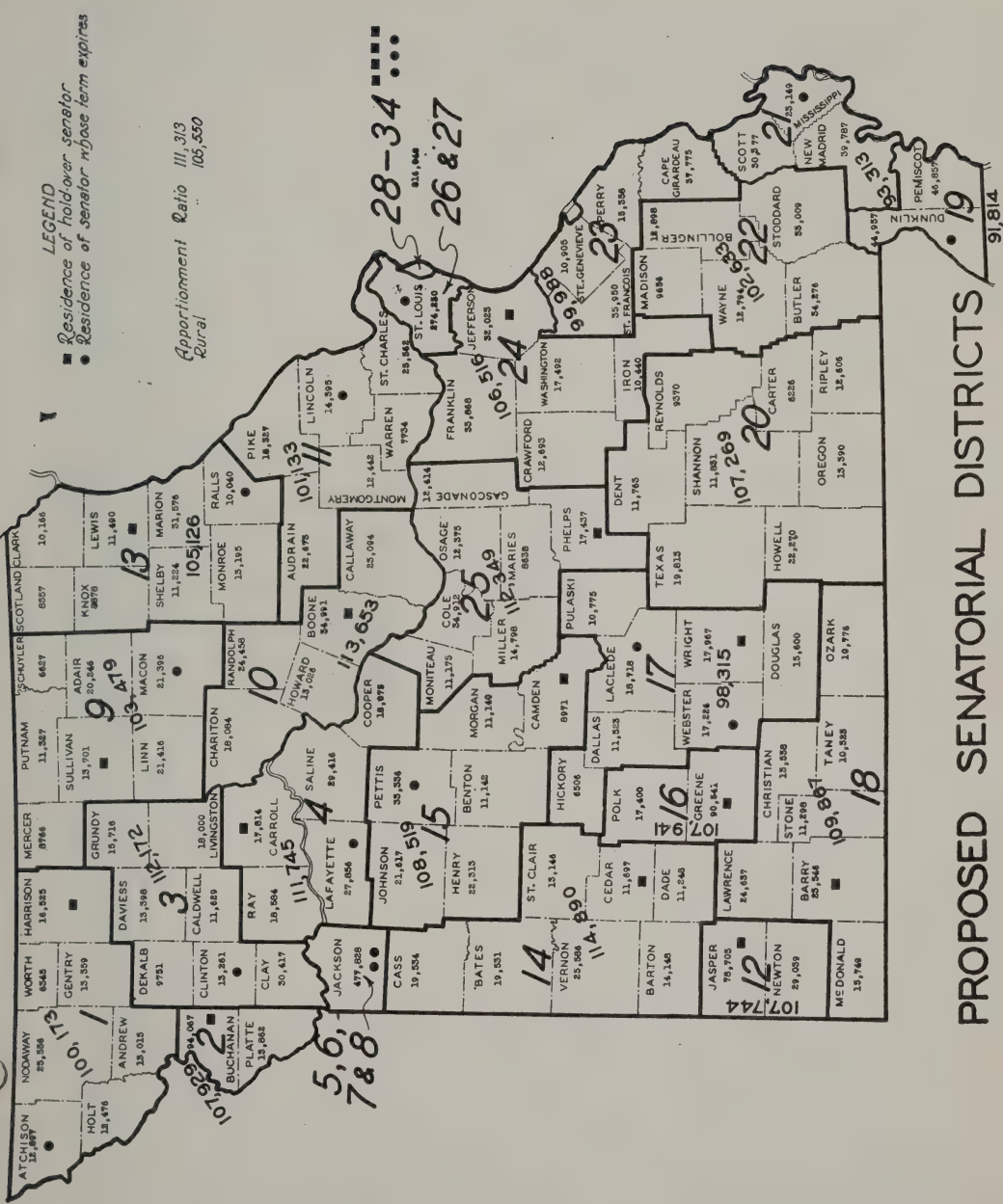
*L. N. Searcy with reservations.

*E. E. Fogle with reservations.

*Richard J. FitzGibbon with reservations.


PROPOSED SENATORIAL DISTRICTS
LEGEND
■ Residence of hold-over senator
● Residence of senator whose term expires
Apportionment Ratio 111,313
Rural 105,550
ATCHISON 12,697
HOLT 12,476
NODAWAY 25,556
WORTH 6545
GENTRY 13,559
HARRISON 16,525
MERCER 9766
PUTNAM 11,357
SCHUYLER
SCOTLAND 8557
CLARK 10,166
ANDREW 13,025
DEKALB 9751
DAVIESS 13,398
GRUNDY 15,716
SULLIVAN 13,701
ADAIR 20,246
KNOX 8878
LEWIS 11,490
BUCHANAN 94,067
CLINTON 13,261
CALDWELL 11,689
LIVINGSTON 18,000
MACON 21,396
SHELBY 11,224
MARION 33,578
PLATTE 13,662
CLAY 30,417
RAY 16,564
CARROLL 17,814
CHARITON 18,064
LINN 21,416
RANDOLPH 24,658
MONROE 15,195
RALLS 10,040
PIKE 18,257
JACKSON 477,626
LAFAYETTE 27,656
SALINE 29,416
HOWARD 15,026
BOONE 34,991
AUDRAIN 22,878
MONTGOMERY
WARREN 7954
LINCOLN 14,595
CASS 19,534
JOHNSON 21,617
PETTIS 35,256
COOPER 18,978
CALLAWAY 25,094
MONITEAU 11,175
GASCONADE 12,414
ST. CHARLES 25,543
ST. LOUIS 274,280
BATES 19,531
HENRY 22,313
BENTON 11,162
MORGAN 11,240
COLE 34,092
OSAGE 12,575
FRANKLIN 35,060
JEFFERSON 32,023
ST. CLAIR 13,146
HICKORY 6506
CAMDEN 8971
MILLER 14,796
ST. MARIES 8858
CRAWFORD 12,693
WASHINGTON 17,492
ST. GENEVIEVE 10,905
VERNON 25,586
CEDAR 11,697
DALLAS 11,523
LACLEDE 18,718
PULASKI 10,775
PHELPS 17,457
IRON 10,440
ST. FRANCOIS 35,950
PERRY 18,356
BARTON 14,146
DADE 11,248
POLK 17,400
GREENE 90,541
WEBSTER 17,224
WRIGHT 17,967
TEXAS 19,813
DENT 11,763
REYNOLDS 9370
MADISON 9494
BOLLINGER 18,098
CAPE GIRARDEAU 37,775
JASPER 78,705
NEWTON 29,089
LAWRENCE 24,657
STONE 11,298
CHRISTIAN 23,558
BARRY 25,546
DOUGLAS 15,600
SHANNON 11,851
WAYNE 12,744
STODDARD 35,009
SCOTT 30,577
MISSISSIPPI 23,149
NEW MADRID 39,787
MCDONALD 13,746
TANEY 10,583
OZARK 10,776
HOWELL 22,230
OREGON 13,590
CARTER 6226
RIPLEY 12,806
BUTLER 54,276
DUNKLIN 44,957
PEMISCOT 46,857
1
100,173
2
101,929
3
117,172
4
111,745
5, 6, 7 & 8
9
103,479
10
113,653
11
101,133
12
107,744
13
105,126
14
114,690
15
108,519
16
107,941
17
98,315
18
109,801
19
91,814
20
107,269
21
93,313
22
101,989
23
99,886
24
106,516
25
112,349
26 & 27
28–34

SUPPLEMENTAL REPORT

The following members of your committee are in favor of adding to File No. 17 a new section taken from Proposal No. 170 and reading as follows:

Section 55. The general assembly shall by law apportion the state into districts corresponding with the number of representatives to which it may be entitled in the house of representatives of the Congress of the United States, which districts shall be composed of contiguous and compact territory containing as nearly as practicable an equal number of inhabitants.

This section is the same as section 55 of the Virginia Constitution where it has been for over a hundred years. Under section 4 of Article I of the Constitution of the United States the places of holding elections for representatives are prescribed by the state legislatures, but Congress may by law make or alter such regulations. In Brown v. Saunders, 159 Va. 28, 166 S.E. 105, the supreme court of Virginia held that its above constitutional provision was binding on its legislature because not in conflict with any act of Congress, and annulled an act of its legislature for violation of the constitutional provisions as to equality in population.

In 1911 (U.S.C.A. Title 2, section 3) Congress passed an act reading:

"Sec. 3. Representatives shall be elected by districts composed of compact and contiguous territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of representatives to which the state may be entitled in Congress, no district electing more than one representative."

But in Smiley v. Holm, 285 U.S. 355, 52 S. Ct. 397, and Wood v. Brown 287 U. S. 1, 53 S. Ct. 77 it was held that the

above 1911 Act expired by its own limitations on the passage of the Act of June 18, 1929. Taking advantage of this lack of an act of Congress the Illinois legislature passed a redistricting act in which one district contained a population twice that of any other district and in Daily v. Madison County, 378 Ill. 357, 38 NE 2d 160, this act was sustained on the ground that because the Act of 1911 had expired the state was free to form its districts in any way it saw fit.

As there is now no act of Congress on the subject and the above provision will be binding on our general assembly, our people will be protected by it until Congress passes an Act in conflict with it.

Respectfully submitted,

ALROY S. PHILLIPS
R. W. BENECKE
R. B. PETTS
WILLIAM T. ROBINSON
ALBERT KREAMALMYER
JOE C. CRAIN

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FILE NO. 21

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

Reported from the Committee on Congressional, State Senatorial and Representative Districts.—No. 16, June 28, 1944, with recommendation that the enclosed changes to File No. 17 on Article IV be adopted; Supplemental Report recommending additional Section to File No. 17; Proposals Nos. 13, 22, 54, 130, 170, 269, 291, 315, 344, 363 and 369 without recommendation.

Taken up September 6, 1944.

Report on Sections 7a and 55, as amended, adopted; Section 7 transferred from File No. 17 stricken from the Report, Section 10a stricken from the Report; recommendations as to Sections 2, 8, 5, 9, 3, 6 to Article IV stricken from the Report.

Referred to the Committee on Phraseology, Arrangement and Engrossment September 6, 1944.

Report No. 1 reported from the Committee on Phraseology, Arrangement and Engrossment September 19, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE IV

LEGISLATIVE DEPARTMENT CONGRESSIONAL, STATE SENATORIAL AND REPRESENTATIVE DISTRICTS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 21 respectfully reports that it has examined the report of Committee No. 16 on Congressional, State Senatorial and Representative Districts, and all amendments thereto, and it herewith reports said file as adopted by the Convention on September 6, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

FILE NO. 21

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE IV

LEGISLATIVE DEPARTMENT

CONGRESSIONAL, STATE SENATORIAL AND REPRESENTATIVE DISTRICTS.

As Adopted by the Convention

ARTICLE IV

LEGISLATIVE DEPARTMENT

Section 7a. Immediately following the adoption of this Constitution, and immediately following the taking of each decennial census thereafter the governor, by and with the advice and consent of the senate, shall appoint a bi-partisan commission of ten members, five from each of the two major political parties, from a list of ten submitted so the Governor by the State Committee of each of said parties, to redistrict the State into thirty-four senatorial districts. The population of the state shall

As Suggested by the Committee

ARTICLE IV

LEGISLATIVE DEPARTMENT

Section 7. Within sixty days after this Constitution takes effect, and thereafter within sixty days after the population of the state is reported to the President for each decennial census of the United States, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members, five from each list, to re-apportion

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be divided by the number thirty-four and the quotient shall be the ratio of representation in the senate. No senatorial district shall vary from the ratio more than one-fourth of a ratio. A full statement of the districts formed by the commission, including the names of the counties embraced in each district and the numbers of the districts, shall be filed in the office of the secretary of state. The report of the commission must be approved by at least seven members. And thereafter senators shall be chosen from said districts until the state has been re-districted, as herein provided, unless the commission should fail to redistrict the state as herein provided within one year after the appointment and confirmation of the Commission, in which event the Commission shall be deemed discharged and the senators to be elected at the next succeeding general election shall be elected at large and following said election a new commission shall be appointed with like powers as above set forth. The redistricting herein provided for shall not be subject to the referendum. Each member of such Commission shall receive a per diem of Fifteen dollars but in no event to receive more than One Thousand Dollars.

the thirty-four senators and the numbers of their districts among the counties of the state. If either of the party committees fail to submit a list within such time the governor shall appoint five members of his own choice from the party of such committee. Each member of the commission shall receive fifteen dollars a day, but not more than one thousand dollars. The commission shall re-apportion the senators by dividing the population of the state by the number thirty-four, and the population of no district shall vary from the quotient by more than one-fourth thereof. The commission shall file with the secretary of state a full statement of the numbers of the districts and the counties included in the districts, and no statement shall be valid unless approved by seven members. After the statement is filed senators shall be elected according to such districts until a re-apportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of any such commission it shall stand discharged and the senators to be elected at the next election shall be elected from the state at large, following which a new commission shall be ap-

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pointed in like manner and with like effect. No such reapportionment shall be subject to the referendum.

(Changes. Whole section rewritten.

Notes:

U. S. Code, Title 13, sections 201-02 require the census "to be taken by the Director of the Census beginning on the first day of January", in the "year 1930 and every ten years thereafter" and "the tabulation of total population by states as required for the apportionment of representatives" in Congress "to be completed within eight months from the beginning of the enumeration and reported by the Director of the Census to the Secretary of Commerce and by him to the President of the United States".

Under the re-writing of this section the reapportionments could be made in 1945 and 1950 in time for the primary and general elections in 1946 and 1952).

Section 41. The General Assembly IMMEDIATELY FOLLOWING the decennial census of

Section 41. When the number of representatives to which the state is entitled in the house of

1950 and THE GENERAL ASSEMBLY IMMEDIATELY FOLLOWING each SUCCEEDING decennial census AND THE DETERMINATION OF THE NUMBER OF REPRESENTATIVES IN CONGRESS TO WHICH THE STATE IS ENTITLED shall by law APPORTION the state into districts corresponding with the number of representatives to which it MAY BE entitled in the house OF REPRESENTATIVES of the Congress of the United States, which districts shall be composed of contiguous and compact territory CONTAINING as nearly as PRACTICABLE an equal NUMBER OF INHABITANTS.

the congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be.

(Changes. Whole section rewritten.

Notes:

U. S. Code, Title 13, sections 201-02 require that within eight months of the first day of the year each census is started the population of each state for apportionment of representatives shall be reported to the President.

U. S. Code, Title 2, sections 2(a)-(b) require that the President transmit to the clerk of the house a statement showing the population and number of representatives of each state within the first week of the first regular session of congress beginning January 3, 1951 and each ten years thereafter, and that within fifteen days thereafter the clerk of the house must send the

governor of each state a certificate of the number of representatives to which the state is entitled. Under the rewriting of this section the first reapportionment would be made in 1951 for the election in 1952.)

ALROY S. PHILLIPS
HOWARD C. POTTER
JAMES E. SATER
FRANK B. WILLIAMS
RICHARD S. RIGHTER
MEREDITH GARTEN
ALLEN McREYNOLDS
THOS. C. HENINGS, SR.

ENGROSSED

FILE NO. 21

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

Reported from the Committee on Congressional, State Senatorial and Representative Districts.—No. 16, June 28, 1944, with recommendation that the enclosed changes to File No. 17 on Article IV be adopted; Supplemental Report recommending additional Section to File No. 17; Proposals Nos. 13, 22, 54, 130, 170, 269, 291, 315, 344, 363 and 369 without recommendation.

Taken up September 6, 1944. Report on Sections 7a and 55, as amended, adopted; Section 7 transferred from File No. 17 stricken from the Report, Section 10a stricken from the Report; recommendations as to Sections 2, 8, 5, 9, 3, 6 to Article IV stricken from the Report.

Referred to the Committee on Phraseology, Arrangement and Engrossment September 6, 1944.

Report No. 1 Reported from the Committee on Phraseology, Arrangement and Engrossment September 19, 1944.

Taken up for 2nd reading September 20, 1944. Written objection filed. Referred to a Special Committee on Phraseology, Arrangement and Engrossment.

September 20, 1944. Reported from the Special Committee on Phraseology, Arrangement and Engrossment, with recommendation that Section 7, as suggested by Committee No. 23, be adopted.

September 20, 1944. Report of Special Committee on Phraseology, Arrangement and Engrossment adopted.

Read 2nd time September 20, 1944. Report of Committee on Phraseology, Arrangement and Engrossment, adopted. Rules suspended, File No. 21 ordered engrossed.

Referred to the Committee on Phraseology, Arrangement and Engrossment September 20, 1944.

Engrossed File No. 21 reported from the Committee on Phraseology, Arrangement and Engrossment September 20, 1944.

R. E. L. MARRS, Secretary.

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE IV

LEGISLATIVE DEPARTMENT CONGRESSIONAL, STATE SENATORIAL AND REPRESENTATIVE DISTRICTS

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 21, respectfully reports that it has examined its report and the Report of the Special Committee on Phraseology, and all amendments thereto as adopted and ordered engrossed by the Convention on September 20, 1944, and it herewith reports said file as truly engrossed, with the present Constitution as to the file and its references to the origin of the engrossed sections hereto attached.

Respectfully,

ALROY S. PHILLIPS,
Chairman

ENGROSSED FILE NO. 21

IN THE 1943-44 CONSTITUTIONAL CONVENTION OF MISSOURI

REPORT NO. 2 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT

ARTICLE IV

LEGISLATIVE DEPARTMENT
CONGRESSIONAL, STATE SENATORIAL AND REPRESENTATIVE DISTRICTS

Present Constitution	Engrossed File	Origin
ARTICLE IV LEGISLATIVE DEPARTMENT	ARTICLE IV LEGISLATIVE DEPARTMENT	
Sec. 7. Apportionment, rule of—when and how made.—Senators and Representatives shall be chosen according to the rule of apportionment established in this Constitution, until the next decennial census by the United States shall have been taken, and the result thereof as to this State ascertained, when the apportionment shall be revised and adjusted on the basis of that census, and every ten years thereafter upon the basis of the United States census; or if	Section 7. **Within sixty days after this Constitution takes effect, and thereafter within sixty days after the population of the state is reported to the President for each decennial census of the United States, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members,**	New Section. See section 7.

such census be not taken, or is delayed, then on the basis of a State census; such apportionment to be made at the first session of the General Assembly after each such census: *Provided*, That if at any time, or from any cause, the General Assembly shall fail or refuse to district the State for Senators, as required in this section, it shall be the duty of the Governor, Secretary of State and Attorney General, within thirty days after the adjournment of the General Assembly on which such duty devolved, to perform said duty, and to file in the office of the Secretary of State a full statement of the districts formed by them, including the names of the counties embraced in each district, and the numbers thereof; said statement to be signed by them, and attested by the Great Seal of the State, and upon the proclamation of the Governor, the same shall be as binding and effectual as if done by the General Assembly.

five from each list, to re-apportion the thirty-four senators and the numbers of their districts among the counties of the state. If either of the party committees fail to submit a list within such time the governor shall appoint five members of his own choice from the party of such committee. Each member of the commission shall receive fifteen dollars a day, but not more than one thousand dollars. The commission shall re-apportion the senators by dividing the population of the state by the number thirty-four, and the population of no district shall vary from the quotient by more than one-fourth thereof. The commission shall file with the secretary of state a full statement of the numbers of the districts and the counties included in the districts, and no statement shall be valid unless approved by seven members. After the statement is filed senators shall be elected according to such districts until a re-apportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of any such commission it shall stand discharged and the senators to be elected at the next election shall be elected from the state at large, following

which a new commission shall be appointed in like manner and with like effect. No such reapportionment shall be subject to the referendum.

Section 41. When the number of representatives to which the state is entitled in the house of the congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be.

New Section. From section 55, Constitution of Virginia.

ALROY S. PHILLIPS
Chairman

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